



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
NATIONAL ASSEMBLY

COMMITTEE ON COMMUNICATIONS

REPORT ON

**A BILL FOR AN ACT TO REPEAL THE NIGERIAN POSTAL
SERVICE ACT CAP. N127 LFN 2004, AND ESTABLISH THE
NIGERIAN POSTAL COMMISSION TO MAKE
COMPREHENSIVE PROVISIONS FOR THE DEVELOPMENT
AND REGULATION OF POSTAL SERVICES AND FOR
OTHER RELATED MATTERS (SB.106 & 437)**

2018

REPORT OF THE SENATE COMMITTEE ON COMMUNICATIONS ON A BILL FOR AN ACT TO REPEAL THE NIGERIAN POSTAL SERVICE ACT CAP. N127 LFN 2004, AND ESTABLISH THE NIGERIAN POSTAL COMMISSION TO MAKE COMPREHENSIVE PROVISIONS FOR THE DEVELOPMENT AND REGULATION OF POSTAL SERVICES AND FOR OTHER RELATED MATTERS, 2018 (SB. 106 & 437)

1.0 BACKGROUND

Mr. President, Distinguished colleagues, two Bills were presented to the Senate on the Nigerian Postal Service Act. While I sponsored the NIPOST Act CAP N127 LFN, 2004, (Repeal and Re-Enactment) Bill, 2015 (SB.106), Distinguished Senator Gbenga Ashafa also sponsored NIPOST Act CAP N127 LFN, 2004, (Repeal and Re-Enactment) Bill, 2017 (SB.437).

The Senate at its Plenary on Wednesday, 10th May, 2017 and Wednesday, 5th April, 2017, read the Nigeria Postal Service Act CAP N127 LFN 2004 (Repeal and Re-enactment) Bills (SB. 106 and SB. 437) respectively the Second Time and referred same to this Committee for further legislative action vide referrals (NASS/8S/R/03/Vol. 1/584 and NASS/8S/R/03/Vol. 1/545) and to report back with its recommendations.

Mr. President, Distinguished colleagues, the Committee observed, after a critical clause-by-clause analysis of the two Bills, that they touched on the same subject matter with similar intents and purports, save for minor differences in the drafting styles, clause numbering and arrangement.

METHODOLOGY

The Committee embarked on the following legislative framework after a series of meetings:

- i. Consulted widely with stakeholders on the justifications for the repeal and re-enactment of the proposed legislation;
- ii. Conducted a public hearing;
- iii. Considered and harmonized the Bills clause by clause;
- iv. Considered contributions by Distinguished Senators at the Second Reading of the Bills; and
- v. Considered other contributions which would assist the Committee in the discharge of its assignment.

2.0 OBJECTIVES OF THE BILL

The main objectives of the Bill include but not limited to the following:

- i. Repeal of the Nigerian Postal Service Act, CAP N127, LFN 2004; and enact 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 related matters;
- ii. Establishment of a regulatory framework for the Nigerian Postal industry and for this purpose, to create an effective, impartial and independent regulatory authority;
- iii. Splitting up the dual roles of policy maker and independent regulator; and industry operator which NIPOST currently enjoys;
- iv. Promotion of the provision of a modern, universal, efficient, reliable, affordable and easily accessible postal services with the widest range and coverage throughout Nigeria;
- v. Encouragement of local and foreign investments in the Nigerian Postal industry and the introduction of innovative services and practices in the industry in accordance with international best practices and trends; and
- vi. Creation of a framework for digital and financial inclusion and engendering national security through verification, authentication and validation of addresses.

3.0 COMMITTEE LEGISLATIVE ACTION

The Committee placed advertisements in the print and electronic media through which memoranda were invited from stakeholders and the general public.

In response to call for memoranda, the Committee received submissions from the following organizations:

- Federal Ministry of Communications
- Federal Ministry of Finance (PPP Department)
- Federal Ministry of Justice
- Federal Ministry of Transport
- Nigerian Postal Service (NIPOST)
- Central Bank of Nigeria (CBN)
- Nigerian Communications Commission (NCC)

- National Information Technology Development Agency (NITDA)
- Federal Inland Revenue Service (FIRS)
- Bureau of Public Enterprises (BPE)
- Infrastructure Concession Regulatory Commission (ICRC)
- Courier Service Companies
- Civil Society Organisations
- Nigeria Employers Consultative Association (NECA)
- National e-Govt. Strategy (NeGst)

4.0 PUBLIC HEARING

The Committee conducted a public hearing on the Bills on Wednesday, 12th July, 2017 in order to elicit viewpoints of stakeholders. The President of the Senate, Distinguished Senator (Dr.) Abubakar Bukola Saraki, *CON*, was represented by Distinguished Senator Ahmad Lawan, the Senate Leader, who declared the Public Hearing open. In his keynote address, the Senate President emphasized that the reform of NIPOST, among other reform Initiatives embarked upon by the Federal Government, has become paramount in view of the fact that commercialization and privatization of postal operations have become a global norm leading not only to the creation of an enabling and competitive environment with independent regulation but also the separation of the roles of policy making, sector regulation and operation. He expressed optimism that at the passage of the Bill, after all necessary inputs of the stakeholders are taken into consideration, NIPOST would attain international standards and possibly turn into one of Africa's preeminent postal operator.

5.0 HIGHLIGHT OF PRESENTATIONS BY STAKEHOLDERS

During the public hearing, stakeholders made in-depth and far reaching contributions on the provisions of the proposed legislation. In their contributions, they supported the passage of the Bill by the Senate.

6.0 LEGISLATIVE SUMMARY

Mr. President, Distinguished colleagues, this legislative summary highlights further inputs made on the provisions of the harmonized Bill.

It is pertinent to note that due to the apparent differences in the numbering and arrangement of the clauses of the two harmonized Bills, the Committee concentrated its efforts on sifting from the two Bills, those clauses that are of utmost relevance to its objectives and scope. These clauses and other few new insertions constitute the recommendations of the Committee.

Clause 1

Clause 1 deals with the **Objectives and Scope of Application**. Sub-clause (1) (j-l) of this clause are new insertions which aim at broadening the scope of application of the Bill to cover the provision of postal services to unserved and underserved rural communities and the promotion of small and medium scale enterprises within the postal industry.

Clause 2 (New Insertion)

Clause 2 deals with the **Provision of Universal Postal Service**. Clause 2(1) and (2) are new insertions which establish the Nigerian Postal Service as the Public Postal Operator and its major responsibility as the provider of Universal Postal Services.

Clause 3 (New Insertion)

This Clause deals with the **Establishment and Membership of the Governing Board of the Public Postal Operator**. Clause 3(1) and (2) are new Insertions which establish the Governing Board of the Nigerian Postal Service along with the responsibilities of the Board.

Clause 4 (New Insertion)

This Clause deals with the **Tenure of office and removal from office of the Chairman, etc. of the Board**. Clause 4 (i)-(iv) is a new insertion which provides for the tenure of office and removal from office of the Chairman, etc. of the Board of the Nigerian Postal Service.

Clause 5 (New Insertion)

This Clause deals with the **Appointment of the Postmaster-General**. Clause 5(1)-(3) is a new insertion which provides for the Appointment of the Postmaster-General.

Clause 6 (New Insertion)

This Clause deals with the **Duties of the Postmaster-General**. Clause 6(1)-(2) is a new insertion which provides for the Duties of the Postmaster-General.

Clause 7 (New Insertion)

This Clause deals with the **Duties of the Secretary to the Public Postal Operator**. Clause 7(1) is a new insertion which provides for the Duties of the Secretary to the Public Postal Operator.

Clause 8 (New Insertion)

This Clause deals with **Staff Regulations as to Conditions of Service of Employees**. Clause 8 1 (a) and (b) is a new insertion which provides for the Staff Regulations as to Conditions of Service of Employees of the Nigerian Postal Service.

Clause 9 (New Insertion)

This Clause deals with **Application of Pensions Act**. Clause 9 is a new insertion which provides for the Application of Pensions Act.

Clause 10

This Clause deals with the **Obligations of the Public Postal Operator**. Clause 10(k)-(0) is a new insertion which provides for more obligations for the Public Postal Operator while Clause 10(2) (a)-(k) is also a new insertion which provides for the contents of the **Post Office Guide**.

Clause 11

This Clause deals with the **Exclusive Powers of the Public Postal Operator**. Clause 11 (1) (j)-(q) is a new insertion to embellish the exclusive powers of the Public Postal Operator.

Clause 13

This Clause deals with **Mandatory Postal Services**. Clause 13(1)(c) was redrafted to incorporate specific information communication technology services to be rendered by the Public Postal Operator.

Clause 14

This Clause deals with **Denotation of Receipts, Documents and other Instruments**. Clause 14 is a new insertion to complement Section 89 of the Stamp Duties Act which provides for the denotation of receipts, documents and other instruments with postage stamp. This Clause therefore provides legal basis for NIPOST as the statutory administrator of the denotation of receipts, documents and other instruments with postage stamp.

Clause 15

This Clause deals with **Cancellation and Penalties**. Clause 15 is a new insertion to provide penalties against unlawful cancellation of denoted receipts, documents or other instruments.

Clause 16

This Clause deals with **National Digital Addressing System, Address Verification System and Postcode System**. Clause 16 is a new insertion to provide the Public Postal Operator with the legal basis for the working of its new products i.e. the National Digital Addressing System and Address Verification System recently introduced by NIPOST.

Clause 21

This Clause deals with **Cases in which compensation may be paid by the Public Postal Operator**. Clause 21 is a new insertion to provide for cases in which compensation may be paid by the Public Postal Operator.

Clause 28

Clause 28 deals with the **Tenure of office**. This clause was amended to provide for the re-appointment of the members of the Board of the Commission for another 4 years.

Clause 34

i. This Clause deals with the **Appointment of the Director-General**. Clause 34(1) was redrafted to accommodate the power of the Senate to confirm appointments.

ii. This Clause deals with the **Appointment of the Director-General**. Clause 34(1)(d)(i-ii) was inserted to provide for the tenure of office along with the terms and conditions of appointment.

Clause 35

This Clause deals with the **Appointment of the Executive Directors**. Clause 35(1) was redrafted to accommodate the power of the Senate to confirm appointments.

Clause 65

This Clause deals with the **Establishment of the Universal Postal Service Fund Board**. Clause 65(3) was redrafted to accommodate the power of the Senate to confirm appointments.

7.0 OBSERVATIONS AND FINDINGS

From the presentations and deliberations at the public hearing and our subsequent analysis of the provisions of the harmonized Bill in our mark-up sessions, the Committee made the following observations/findings:

- i. That stakeholders are unanimous in their support for the passage of this Bill;
- ii. That the economic and social importance of the Bill cannot be over emphasized as it will encourage local and foreign investments in the Nigerian Postal Industry and the introduction of innovative services and practices in the industry;
- iii. That Nigeria, as a matter of necessity, needs to align with global trends in the postal sector where postal laws have been successfully amended to separate regulation from operation to support the development of the sector as practiced by West African neighbouring countries like Ghana, Cote D'Ivoire, Niger Republic, etc; and
- iv. That the resulting diversified activities in the postal network will engender employment for the teeming youths and create opportunities for small and medium enterprises to find international and local markets for their goods and services through the postal e-commerce portal.

8.0 RECOMMENDATION

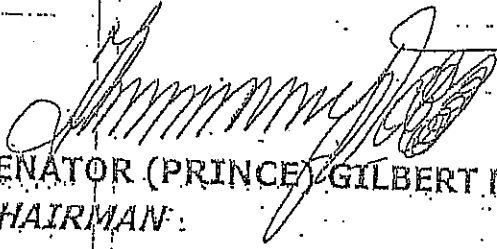
Flowing from the presentations made during the public hearing and the foregoing observations/findings, the Senate Committee on Communications, to which the Bill was referred, having favourably considered same, recommends as follows:

"That the Senate do consider and pass the Bill for an Act to Repeal the Nigerian Postal Service Act Cap. N127 LFN 2004, and establish the Nigerian Postal Commission to make Comprehensive Provisions for the Development and Regulation of Postal Services and for Other Related Matters, 2018 (SB. 106 & 437) as harmonized".


I SO MOVE.

90. CONCLUSION

Finally, we wish to use this opportunity to thank the President of the Senate and our Distinguished Colleagues for the opportunity to serve in this capacity and to respectfully commend the passage of this Bill to the Senate.



SENATOR (PRINCE) GILBERT NNAJI
CHAIRMAN:



KOLAWOLE E. KAYODE
COMMITTEE CLERK



**REPORT OF THE COMMITTEE ON COMMUNICATIONS ON THE
NIGERIA POSTAL SERVICE ACT CAP 127 LFN 2004 (REPEAL AND
RE-ENACTMENT) BILL, 2017 (SB. 106 AND SB. 437)**

ENDORSEMENT PAGE

S/N	NAME	POSITION	SIGNATURE
1.	Senator Gilbert E. Nnaji	Chairman	
2.	Senator Adeleke	Vice Chairman	
3.	Senator Abu Ibrahim	Member	
4.	Senator Eyinnaya H. Abaribe	Member	
5.	Senator Joshua C. Dariye JP PCA	Member	
6.	Senator Solomon O. Adeola	Member	
7.	Senator Phillip T. Aduda	Member	
8.	Senator Biodun C. Olujimi	Member	
9.	Senator Gbolahan J. Dada	Member	
10.	Senator Ubali M. Shittu	Member	
11.	Senator Isa Hamma Misau	Member	
12.	Senator Abdulaziz M. Nyako	Member	
13.	Senator Osinakachukwu Ideozu	Member	

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A BILL FOR AN ACT TO REPEAL THE NIGERIAN POSTAL SERVICE ACT CAP N127 LFN 2004, AND ESTABLISH THE NIGERIA POSTAL COMMISSION TO MAKE COMPREHENSIVE PROVISIONS FOR THE DEVELOPMENT AND REGULATION OF POSTAL SERVICES AND FOR OTHER RELATED MATTERS.(SB. 106 & SB. 437)

CLAUSE	PROPOSED BILL (SB.106)	PROPOSED BILL (SB.437)	COMMITTEE RECOM.	REMARKS
	A BILL FOR AN ACT TO REPEAL THE NIGERIAN POSTAL SERVICE ACT CAP N127 LFN, 2004, PROVIDE FOR THE OPERATION AND DEVELOPMENT OF POSTAL SERVICES; THE ESTABLISHMENT OF THE NIGERIA POSTAL COMMISSION AND FOR OTHER RELATED MATTERS.	A BILL FOR AN ACT TO REPEAL THE NIGERIAN POSTAL SERVICE ACT CAP N127 LFN 2004, AND ESTABLISH THE NIGERIA POSTAL COMMISSION TO MAKE COMPREHENSIVE PROVISIONS FOR THE DEVELOPMENT AND REGULATION OF POSTAL SERVICES AND FOR OTHER RELATED MATTERS.	A BILL FOR AN ACT TO REPEAL THE NIGERIAN POSTAL SERVICE ACT CAP N127 LFN 2004, AND ESTABLISH THE NIGERIA POSTAL COMMISSION TO MAKE COMPREHENSIVE PROVISIONS FOR THE DEVELOPMENT AND REGULATION OF POSTAL SERVICES AND FOR OTHER RELATED MATTERS.	
			PART I – OBJECTIVES AND SCOPE	
1		1. Objectives and Scope of application (1) The objectives of this Act are to: (a) implement the National Postal Policy as may, from time to time, be modified and 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	1. Objectives and scope of application (1) The objectives of this Bill are to: (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	

		<p>universal, efficient, reliable, affordable and easily accessible postal services with the widest range and coverage throughout Nigeria;</p> <p>(d) encourage local and foreign investments in the Nigerian postal industry and the introduction of innovative services and practices in the industry in accordance with international best practices and trends;</p> <p>(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;</p> <p>(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;</p> <p>(g) protect the right and interest of service providers and consumers within Nigeria;</p> <p>(h) ensure that the needs of the disabled and elderly persons are taken into consideration in the provision of postal services;</p> <p>(i) ensure an efficient management including planning, coordination, allocation, assignment, registration, monitoring and use of national resources in the postal sub-sector and also promote and safeguard national interests, safety and security;</p>	<p>universal, efficient, reliable, affordable and easily accessible postal services with the widest range and coverage throughout Nigeria;</p> <p>(d) encourage local and foreign investments in the Nigerian postal industry and the introduction of innovative services and practices in the industry in accordance with international best practices and trends;</p> <p>(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;</p> <p>(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;</p> <p>(g) protect the rights and interests of service providers and consumers within Nigeria;</p> <p>(h) ensure that the needs of the disabled and elderly persons are taken into consideration in the provision of postal services;</p> <p>(i) ensure an efficient management including planning, coordination, allocation, assignment, registration, monitoring and use of national resources in the postal sub-sector and also promote and safeguard national interest, safety and security;</p>	
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		<p>(j) do such other things that are incidental to the attainment of the above stated objectives.</p> <p>(2) This Act applies to all activities within or associated with the provision and use of all postal services and networks, in whole or in part within Nigeria.</p>	<p>(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;</p> <p>(k) contribute to community and rural education, through actively participating in the development of the post office serving as an interface between Government and community and providing a centre for community activities;</p> <p>(l) promote small, medium and macro enterprises within the postal industry; and</p> <p>(m) do such other things that are incidental to the attainment of the above stated objectives.</p> <p>(2) This Bill applies to all activities within or associated with the provision and use of all postal and postal related services and networks, in whole or in part within Nigeria.</p>	
	PART 1 – ESTABLISHMENT, FUNCTIONS AND POWERS OF THE NIGERIAN POSTAL COMMISSION	PART II - ESTABLISHMENT OF THE NIGERIAN POSTAL COMMISSION	PART II - ESTABLISHMENT OF NIGERIA POSTAL SERVICE AND DESIGNATION AS PUBLIC POSTAL OPERATOR	
2	<p>1. (1) There is established a Commission to be known as the Nigerian Postal Commission, hereinafter called the Commission.</p> <p>(2) The Commission shall be a body</p>	<p>2. Establishment of the Nigerian Postal Commission</p> <p>(1) There is established a body to be known as the Nigerian Postal Commission (in this Act, referred to as "the Commission").</p>	<p>2. Provision of Universal Postal Service</p> <p>(1) There is hereby established a body to be known as the Nigeria Postal Service (in this Bill designated as the Public Postal Operator) which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate</p>	

	<p>corporate with perpetual succession, a common seal and can sue or be sued in its corporate name with the powers to do the following:</p> <p>(a) enter into contract and incur obligations;</p> <p>(b) acquire, hold, mortgage, purchase and deal with property, whether movable or immovable, real or personal; and</p> <p>(c) do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Bill.</p> <p>(3) the Commission may be structured into departments as the Board may from time to time deem appropriate for the effective discharge of its functions.</p>	<p>(2) The Commission –</p> <p>(a) shall be a body corporate with perpetual succession and a common seal;</p> <p>(b) may sue or be sued in its corporate name;</p> <p>(c) shall be structured into departments as the Commission may, from time to time, deem appropriate for the effective discharge of its functions.</p>	<p>name.</p> <p>(2) The Public Postal Operator shall be charged with the responsibility of providing Universal Postal Services in Nigeria.</p> <p>(3) In carrying out its Universal Postal Service Obligations, the provisions of any enactment relating to the taxation of companies, agencies or trust funds shall not apply to the Public Postal Operator.</p>	
3	<p>3. (1) There is established for the Commission a Governing Board (in this Act referred to as "the Board") charged with the administration of the affairs of the Commission.</p> <p>(2) the Board consists of 7 members, otherwise called Commissioners made up of-</p> <p>(a) a Chairman;</p> <p>(b) the Director-General of the Commission who is knowledgeable in postal administration and regulation;</p> <p>(c) two Executive Commissioners;</p>	<p>3. Membership of the Commission</p> <p>(1) The Commission shall consist of the following –</p> <p>(a) a part time Chairman;</p> <p>(b) two Executive Directors of the Commission;</p> <p>(c) three part time members; and</p> <p>(d) the Director-General of the Commission.</p>	<p>3. Establishment and Membership of the Governing Board of the Public Postal Operator</p> <p>(1) There is hereby established for the Postal Service a Governing Board which shall be known as the Nigeria Postal Service Governing Board in this Bill referred to as ("the Board") which shall have responsibility for:</p> <p>(a) formulating policies and adopting strategies to promote the development and maintenance of efficient, co-ordinated and economic postal services for the Federation;</p> <p>(b) borrowing or raising of money in such manner as the Board may deem fit for and</p>	

	<p>(d) three non-executive Commissioners.</p> <p>(3) all Commissioners, Director General and the Chairman appointed after coming into force of this Bill shall be made by the President in accordance with the of this Bill and from the six geo-political zones of the country subject to confirmation by the Senate.</p> <p>(4) 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.</p> <p>(5) Notwithstanding any other provision of this Bill, the President shall ensure at all times that there is a duly constituted Board of Commissioners and a minimum of 5 serving Commissioners on the Board at any and all times, made up of the Director General:</p> <p>(a) 2 Executive Commissioners; and</p> <p>(b) 2 Non-Executive Commissioners.</p> <p>(6) Subject to subsection (4) of this section, 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</p>	<p>(2) The Chairman and members of the Commission shall be appointed by the President on the recommendation of the Minister.</p> <p>(3) Members of the Commission shall be persons with recognized qualification and experience in the field of postal matters transport land logistic management law, accountancy, economics, finance or administration.</p> <p>(4) The provisions of the first schedule to this Act shall have effect as to the proceedings of the Commission and other matters contained therein.</p> <p>(5) The conflict of interest provisions contained in the second schedule to this Act shall apply to the members of the Commission.</p>	<p>on behalf of the Public Postal Operator;</p> <p>(c) establishing/incorporating subsidiaries for the Public Postal Operator which subsidiaries shall be governed in line with the provisions of the Companies and Allied Matters Act; and</p> <p>(d) promoting the development of such other ancillary services as the Board may deem fit.</p> <p>(2) The Board shall consist of a part time Chairman and the following other members to be appointed by the President subject to confirmation by the Senate:</p> <p>(a) the Permanent Secretary of the Ministry of Communications who shall act as the alternate Chairman;</p> <p>(b) a representative each of the following Federal Ministries, that is-</p> <p>(i) Finance;</p> <p>(ii) Internal Affairs;</p> <p>(c) the Postmaster-General; and</p> <p>(d) two other members appointed by the President.</p> <p>(3) The Secretary to the Board shall be the Postmaster General or any employee of the Public Postal Operator who is a legal officer</p>	
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	be acts of the Commission.		<p>of not less than ten (10) years post call experience as the postmaster General may delegate.</p> <p>(4) 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.</p>	
4		<p>4. Tenure of office Members of the Commission shall be appointed for a term of 4 years in the first instance</p>	<p>4. Tenure of office and removal from office of the Chairman, etc. of the Board</p> <p>(i) The Chairman shall hold office for a period of four years and shall be eligible for re-appointment for a further period of four years and no more.</p> <p>(ii) Subject to this section, a member of the Board shall hold office for a period of four years from the date of his appointment as a member and shall be eligible for reappointment for a further period of four years and no more.</p> <p>(iii) The Minister may, with the approval of the President, at any time remove any member of the Board from office if the Minister is of the opinion that it is not in the interest of the Board or the Postal Service for the member to continue in office and shall notify the member in writing to that effect.</p> <p>(iv) 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 Postal</p>	

			Service, 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	4. The remunerations and allowances payable to the Commissioners, including the Director General and Executive Commissioners shall at the instance of the Board be determined and reviewed from time to time by the National Salaries, Incomes and Wages Commission.	5. Allowances of members Members of the Commission shall be paid such allowances and benefits as may from time to time be determined by the Federal Government in accordance with extant laws and regulations.	5. Appointment of the Postmaster-General (1) There shall be appointed for the Public Postal Operator by the President, on the recommendation of the Minister, 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. (2) The Postmaster General shall hold office in the first instance for a period of five (5) years and may be eligible for re-appointment for a further term of five years and no more. (3) 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.	
6	5. (1) Commissioners shall be persons of recognized standing qualification and experience in their respective fields. (2) a person shall not be appointed or remain in office as a Commissioner if- (a) he is not a Nigerian citizen; (b) he is not ordinarily resident in Nigeria;	6. Cessation of Membership (1) The office of a member of the Commission shall become vacant where – (a) his term of office expires; (b) he resigns his office by a notice in writing under his hand addressed to the President;	6. Duties of the Postmaster-General (1) Subject to the provisions of this Bill, the administration and control of the Postal Service shall vest in the Postmaster-General. (2) In carrying out the functions of the Postal Service, the Postmaster-General may- (a) establish post offices at such places	

	<p>(c) he is a serving member of the National Assembly, State House of Assembly or any Local Government Council;</p> <p>(d) he is incapacitated by any physical illness;</p> <p>(e) he has been certified to be of unsound mind;</p> <p>(f) he is an un-discharged bankrupt;</p> <p>(g) he has been convicted in Nigeria or elsewhere of a criminal offence, being a misdemeanor or felony; or</p> <p>(h) he has at any time been removed from an office of trust on account of misconduct.</p> <p>(3) The conflict of interest provisions contained in the second Schedule to this Bill shall apply to all Commissioners.</p>	<p>(c) he is incapable of performing the functions of his office due to mental or physical illness;</p> <p>(d) he becomes bankrupt;</p> <p>(e) he has been convicted of a felony or any offence involving dishonesty;</p> <p>(f) he is guilty of gross misconduct relating to his duties;</p> <p>(g) in the case of an ex-officio member, he ceases to hold the office on the basis of which he became a member of the Commission;</p> <p>(h) 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</p> <p>(i) he dies.</p> <p>(2) Notwithstanding the provisions of subsection (1) of this section, the President may remove or suspend a member of the Commission 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.</p> <p>(3) Where a vacancy occurs in the membership of the Commission, the President shall appoint a successor to hold office for the</p>	<p>as he may deem fit and may abolish any such post office;</p> <p>(b) establish and operate facilities for the collection, despatch, delivery and distribution of domestic and international mail;</p> <p>(c) provide and operate philatelic services within and outside Nigeria;</p> <p>(d) plan and co-ordinate the entire postal network;</p> <p>(e) negotiate and enter into agreement with any person or authority on matters relating to the postal system;</p> <p>(f) provide on agency basis such miscellaneous services as may be required of him by the Federal Government;</p> <p>(g) representing Nigeria at proceedings of international organisations and fora on matters relating to Postal Services and matters ancillary and connected thereto.</p> <p>(h) carry on all such other activities as are necessary or expedient for the discharge of his responsibilities under this Bill.</p>	
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		unexpired term of his predecessor and the successor shall be from the same geographical zone as that member whose exit created the vacancy.		
7	<p>6. (1) Minister shall make recommendations to the President on suitably qualified persons for appointment as the Commission's Director General and Executive Commissioners and the President shall take the Commission's recommendations into consideration for the appointment.</p> <p>(2) all Commissioners, except the Director General and Executive Commissioners, shall hold office on part-time basis.</p> <p>(3) subject to sections 10(3) and 10(4) of this Bill, each Commissioner shall serve for a term of five years from the date of his appointment at the expiration of which the President may renew his term for a further term of 5 years and no more.</p> <p>(4) subject to section 9 (3) and 9 (4) of this Bill, all Commissioners who were appointed prior to and are still serving as at the commencement date of this Bill shall be deemed upon commencement of this Act to be serving their initial term of 5 (five) years, calculated from their respective dates of appointment and shall, subject to subsection (4) of this section, be eligible thereafter for renewal of their respective tenures.</p>		<p>7. Duties of Secretary to the Board of the Public Postal Operator</p> <p>(1) The Secretary shall keep the corporate records of the Board, conduct correspondences and perform such other duties as the Board may from time to time direct.</p>	

8	<p>7. A Commissioner may resign his office by giving 3 months written notice thereof addressed to the President through the Minister.</p>		<p>8. Staff Regulations as to Conditions of Service of Employees</p> <p>(1) The Board may, with the approval of the Minister, make regulations relating generally to the conditions of service of the employees of the Postal Service and without prejudice to the generality of the foregoing, such regulations may provide for-</p> <p>(a) the appointment, promotion and disciplinary control of all employees of the Postal Service; and</p> <p>(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.</p>	
9	<p>8. (1) subject to subsections (2), (3) and (4) of this section, a Commissioner may be suspended or removed from office by the President if he-</p> <p>(a) is found to have been unqualified for appointment as a Commissioner pursuant to section 7 of this Act or is in breach of section 7 (2) hereof after his appointment;</p> <p>(b) has demonstrated inability to effectively perform the duties of his office;</p> <p>(c) has been absent from five consecutive meetings of the Board without the consent</p>		<p>9. Application of Pensions Act</p> <p>(1) It is hereby declared that service in the Postal Service shall be pensionable under the Pensions Reform Act, 2014 and accordingly employees of the Postal Service shall, in respect of their services in the Postal Service, be entitled to pensions, gratuities and other retirement benefits as are prescribed there under.</p> <p>(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a</p>	

<p>of the Chairman except he shows good reason for such absence;</p> <p>(d) is guilty of serious misconduct in relation to his duties as a Commissioner;</p> <p>(e) in the case of a person possessed of professional qualifications, he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority; or</p> <p>(f) is in a breach of the conflict of interest rules set out in the Second Schedule of this Bill.</p> <p>(2) Prior to the suspension or removal of the Commissioner under Subsection (1) of this section, the President shall inform the Commissioner by written notice, as soon as possible, of his intention to suspend or remove the Commissioner from Office and the reasons therefore.</p> <p>(3) The affected Commissioner under subsection (1) of this section shall be given a reasonable opportunity to make written submission to the President within a time period specified in the notice and such time period shall not less than 14 days from the date of the notice.</p> <p>(4) The affected Commissioner may, within the time period specified in the notice, submit written submission and the President shall consider the submission in making his final decision on the</p>		<p>person to an office on terms which preclude the grant of a pension and gratuity in respect of that office.</p> <p>(3) For the purpose of the application of the provisions of the Pensions Reform Act, 2014, any power exercisable there under by a Minister or other authority of the Government of the Federation other than the power to make regulations under section 60 thereof is hereby vested in and shall be exercisable by the Board and not by any other person or authority.</p> <p>(4) Subject to subsection (2) of this section, the Pensions Act 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.</p>	
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	Commissioner's suspension or removal from office.			
10	<p>9. (1) There is a vacancy in the Board if a Commissioner-</p> <p>(a) dies;</p> <p>(b) is removed from office in accordance with section 7 or 8 of the Bill; or</p> <p>(c) resign from office; or</p> <p>(d) upon the completion of his tenure of office.</p> <p>(2) a vacancy in the Board shall be filled by the appointment of another person to the vacant office by the President in accordance with section 7 of this Bill, as soon as is reasonably practicable after the occurrence of such vacancy.</p> <p>(3) subject to subsection (4) of this section, in the instance of a vacancies on the Board that are created consequent upon death, removal or resignation of a Commissioner, any person so appointed shall hold office for the unexpired period of the term of office of the predecessor.</p> <p>(4) the provision of subsection (3) of this section, shall not apply to the filling of vacancies in respect of Executive Commissioners howsoever and whenever created.</p>		<p>10. Obligations of Public Postal Operator Subject to the provisions of this Bill the Public Postal Operator designated under subsection (1) of Section 2 of this Bill shall:</p> <p>(a) take necessary steps to implement the minimum quality objective for the Universal Postal Service as maybe defined from time to time by the Board;</p> <p>(b) offer products and services corresponding to the pricing conditions as may be defined from time to time so as to ensure access to the Universal Postal Service;</p> <p>(c) expand access to collection and delivery of Universal Postal Service products and services to geographical areas in which postal service is non-existent;</p> <p>(d) develop products and services that meet the criteria for accessible affordable, good quality universal Postal Services;</p> <p>(e) authenticate electronic and internet based receipts;</p> <p>(f) publish and disseminate the list of products and services provided as part of the Universal Postal Service including their prices;</p> <p>(g) participate in projects on Universal Postal</p>	

			<p>Service costing and pricing; and</p> <p>(h) participate in Universal Postal Union and restricted union activities;</p> <p>(i) maintain and review the Post Office Guide from time to time;</p> <p>(j) enter into any business partnerships or collaborate with governmental agencies, corporate organizations and individuals in the discharge of its obligations;</p> <p>(k) inspect, audit and recover monies due to the Public Postal Operator;</p> <p>(l) appoint auditors for the purpose of determining its total revenue collections from all transactions carried out on its behalf;</p> <p>(m) have power to borrow or raise money in such manner as it may deem fit;</p> <p>(n) have power to conduct investigation of postal offences, and 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.</p> <p>(o) establish/incorporate subsidiaries to</p>	
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			<p>be governed by the Companies and Allied Matters Act; and</p> <p>(p) to 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;</p> <p>(2) The contents of the Post Office Guide shall include the following:</p> <p>(a) statement of the rates of Postage that may from time to time be fixed;</p> <p>(b) conditions regarding the payment of compensation for loss or damage to postal articles;</p> <p>(c) conditions for the issuance and payment of Money Orders and Postal Orders including the rates of commission thereon;</p> <p>(d) conditions under which and the manner in which special services will be performed for the convenience of individuals;</p> <p>(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;</p> <p>(f) the statement of hours during which the Post Offices will be opened for the</p>	
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			<p>transaction of the various classes of public business;</p> <p>(g) the statement of hours for the posting of postal articles and the late fee charges for postal articles;</p> <p>(h) the list of officers who may frank postal articles sent by a public department;</p> <p>(i) stamping list for the purpose of denoting receipts, documents and other instruments;</p> <p>(j) the statement of the manner in which amendments of the Post Office Guide will be published; and</p> <p>(k) such other information as the Postmaster General may deem fit to include.</p>	
11	<p>2. (1) The Commission shall have the following functions -</p>	<p>PART III - FUNCTIONS AND POWERS OF THE COMMISSION</p> <p>7. Functions of the Commission</p> <p>(1) The Commission shall -</p> <p>(a) have the sole and exclusive responsibility for the regulation and supervision of the postal sector</p>	<p>11. Exclusive Powers of the Public Postal Operator</p> <p>(1) The Public Postal Operator shall have and exercise power to the exclusion of any other person to:</p> <p>(a) collect, accept, process, convey and deliver postal articles weighing up to 1 kg including such postal articles addressed to different recipients with each weight class 'not more than 1kg whether enclosed in an envelope, sack, collector or any form of container;</p>	

			<p>(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;</p> <p>(c) print, produce and issue electronic and adhesive stamps;</p> <p>(d) produce philatelic products, pre-stamped envelopes, pre-stamped postcards, aerogrammes and international reply coupons;</p> <p>(e) 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;</p> <p>(f) authorize the use of franking meter machine to record prepaid postage charges by any person;</p> <p>(g) authenticate documents and internet mail related transaction receipts and documents;</p> <p>(h) issue and pay domestic and international postal and money orders; and</p> <p>(i) provide Slogan Die publicity services;</p> <p>(j) verify, authenticate and validate addresses nationwide;</p>	
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	<p>(a) the facilitation of investments in and entry into the Nigerian Postal market for the provision and supply of postal services, equipment and facilities;</p> <p>(b) the protection and promotion of 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;</p> <p>(c) ensuring that licensees implement and operate at all times the most efficient and accurate tariff system;</p> <p>(d) the promotion of 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;</p> <p>(e) granting and renewing postal licenses in accordance with the provisions of this Bill and monitoring and enforcing compliance with license;</p> <p>(f) general responsibility for economic and technical regulations of the Postal</p>	<p>(b) facilitate investments in and entry into the Nigerian market for the provision and supply of postal services, equipment and facilities;</p> <p>(c) 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;</p> <p>(d) ensure that licensees implement and operate at all times the most efficient and accurate tariff system;</p> <p>(e) 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;</p> <p>(f) grant and renew postal licenses in accordance with the provisions of this Act and monitoring and enforcing compliance With license terms and conditions by licensees;</p> <p>(g) propose and effect amendments to license conditions in accordance with the objectives</p>	<p>(k) provide and establish non postal or similar services;</p> <p>(l) issue, prescribe and approve stamp for denotation of receipts, documents and other instruments required to be denoted;</p> <p>m) review from time to time the value of threshold of receipts and other instruments required to be denoted;</p> <p>(n) determine modalities for the issuance and production of electronic stamping;</p> <p>(o) provide for such miscellaneous services as may be authorized by the Federal Government;</p> <p>(p) explore additional sources of postal revenue;</p> <p>(q) accredit e-sat certificate and digital signature in Nigeria for verification and authentication of electronic documents which shall include but not limited to financial statements, utility bills, e-mails, government documents, e-dividend warrants, etc.</p> <p>(2) In this section "postal articles" includes any letter, postcard, newspaper, book, document, pamphlet, pattern or sample packet, parcel or package or other article whatsoever transmissible by post or electronic means.</p>	
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	<p>Industry;</p> <p>(g) improving the efficiency and effectiveness of the postal sector by encouraging the integration of modern information and communication technology;</p> <p>(h) undertake such other activities which are necessary or convenient for better carrying out of or giving effect to the functions of the Commission.</p>	<p>and provisions of this Act;</p> <p>(h) undertake general responsibility for economic and technical regulation of the postal industry;</p> <p>(i) ensure efficiency and effectiveness of the postal sector;</p> <p>(j) undertake such other activities which are necessary or convenient for the enhanced performance of the objectives of this Act and the functions of the Commission.</p>		
12	<p>(2) In carrying out the functions aforesaid, the Commission shall have powers to:</p> <p>(a) fix and collect fees for grant of postal license and for other regulatory services provided by the Commission;</p> <p>(b) develop and monitor performance standards, and indices relating to the quality of postal services and facilities supplied to consumers in Nigeria having regards to the best international performance indicators;</p> <p>(c) make and enforce regulations and guidelines in accordance with Part 14 of the Bill as may be necessary to give effect</p>	<p>8. Powers</p> <p>In carrying out its functions under this Act, the Commission shall have power to:</p> <p>(a) fix and collect fees for grant of postal licenses and for other regulatory services provided by it under this act;</p> <p>(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;</p> <p>(c) make and enforce regulations and guidelines in accordance with Part XV of the Act as may be necessary to give effect to the</p>	<p>12. Exceptions to Powers</p> <p>The exclusive powers conferred on the Public Postal Operator by subsection (1) of Section 11 of this Bill shall not extend to;</p> <p>(a) letters sent through a messenger on purposes concerning the private affairs or business of the sender or receiver;</p> <p>(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;</p> <p>(c) letters from merchants, owners of vessels of merchandise or the cargo or loading</p>	

	<p>to the intendment of this Bill;</p> <p>(d) liaise with any relevant government authority or agency in the naming and numbering of streets and houses;</p> <p>(e) formulate and manage Nigerian inputs into the setting of international technical standards for postal services and equipment;</p> <p>(f) encourage and promote infrastructure sharing amongst licensees and provide regulatory guidelines thereon;</p> <p>(g) examine and resolve complaints and objections filed by 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;</p> <p>(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;</p> <p>(i) design, manage and implement Universal Postal Service strategy and programme in accordance with Federal Governments general policy and objectives thereon;</p> <p>(j) advise the Minister on the formulation of</p>	<p>objectives of this Act.</p> <p>(d) liaise with any relevant government authority or agency in the naming and numbering of streets buildings and facilities;</p> <p>(e) formulate and manage Nigerian inputs into the setting of international technical standards for postal services and equipment;</p> <p>(f) encourage and promote infrastructure sharing amongst licensees and provide regulatory guidelines thereon;</p> <p>(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;</p> <p>(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;</p> <p>(i) design, manage and implement universal postal service strategy and programme in accordance with Federal Governments general policy and objectives thereon;</p> <p>(j) advise the Minister on the formulation of the</p>	<p>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;</p> <p>(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</p> <p>(e) letters carried to the premises of a provider of electronic mail service for the purposes of transmission by electronic mail.</p>	
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<p>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.</p> <p>(k) implement Government's general policies in the postal industry and the execution of all such other functions and responsibilities as given to the Commission under this Bill;</p> <p>(l) advise and assist the postal industry stakeholders and practitioners with a view to the development of the industry;</p> <p>(m) represent Nigeria at proceedings of international organizations and for matters relating to regulation of postal and matters ancillary and connected thereto; and</p> <p>(n) conduct market research on the following and other related matters: (i) the extent of the development of Nigerian Postal Industry;</p> <p>(ii) needs of Postal Operators;</p> <p>(iii) quantitative and qualitative characteristics of demand for postal service;</p> <p>(iv) economic, operational and labour-</p>	<p>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 Act;</p> <p>(k) implement Governments 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 Act or are incidental or related thereto;</p> <p>(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 Act and its subsidiary legislation;</p> <p>(m) represent Nigeria at proceedings of international organizations and fora on matters relating to regulation of postal services and matters ancillary and connected thereto;</p> <p>(n) conduct market research on the following and other related matters: (i) the extent of the development of Nigerian postal industry;</p> <p>(ii) Public Postal Operator needs;</p> <p>(iii) quantitative and qualitative characteristics of demand for postal service;</p> <p>(iv) economic operational and labour elated</p>		
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<p>related data on postal operators;</p> <p>(v) the level of technological development of postal operators;</p> <p>(vi) an analysis of the current legal framework for the postal sector, including provisions with respect to competition and consumers;</p> <p>(vii) the technical and economic viability of postal service enterprises;</p> <p>(viii) the quality of postal services rendered by the different service operators doing business in the postal market;</p> <p>(ix) universal postal service standards;</p> <p>(x) the scope of universal postal services rendered by the operators;</p> <p>(xi) supply and demand for universal services;</p> <p>(xii) standards of quality and prices on the postal market;</p> <p>(xiii) the level of investment in the postal sector;</p> <p>(xiv) development plans and the level of investment by the universal service operator, and</p> <p>(xv) publishing the result of the market study;</p>	<p>data on postal operators;</p> <p>(v) the level of technological development of postal operators;</p> <p>(vi) an analysis of the current legal framework for the postal sector, including provisions with respect to competition and consumers;</p> <p>(vii) the technical and economic viability of postal service enterprises;</p> <p>(viii) the quality of postal services rendered by the different service operators doing business in the postal market;</p> <p>(ix) universal postal service standards;</p> <p>(x) the scope of universal postal services rendered by the public postal operator;</p> <p>(xi) supply and demand for universal services;</p> <p>(xii) standards of quality and prices in the postal market;</p> <p>(xiii) the level of investment in the postal sector;</p> <p>(xiv) development plans and the level of investment by the universal service operator, and</p> <p>(xv) publishing the result of the market study;</p>		
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	<p>(o) establish and administer appropriate pricing system for service offerings on the postal market including:</p> <p>(i) universal postal services provided by the postal operators,</p> <p>(ii) service open to competition provided by all postal operators;</p> <p>(p) define, delimit and design the content and scope of, measure and activities required for the provision of Universal Postal Services; and</p> <p>(q) participate in Universal Postal costing and pricing methodologies.</p>	<p>(o) establish and administer appropriate pricing system for service offerings on the postal market including:</p> <p>(i) universal postal services provided by the public postal service operator, and</p> <p>(ii) service open to competition provided by all postal operators including the public operator;</p> <p>(p) define delimit and, design the content and scope of measures and activities required for the provision of universal Postal Services; and</p> <p>(q) participate in Universal Postal Union activities and projects aimed at developing Universal Postal Service costing and pricing methodologies.</p>		
13	<p>(3) The Commission shall at all times carry out its functions and duties and exercise its powers hereunder efficiently, effectively and a non-discriminatory and transparent manner and in a way that is best calculated to ensure that there are provided throughout Nigeria, subject to the regulatory controls 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.</p>	<p>9. Transparency</p> <p>The Commission shall at all times carry out its functions and duties and exercise its powers under this Act efficiently effectively and in a non-discriminatory and transparent manner and in a way that is best calculated to ensure that there are provided throughout Nigeria, subject to the regulatory controls specified in this Act, 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.</p>	<p>13. Mandatory Postal Services</p> <p>1. The Public Postal Operator, shall in addition to the services exclusively reserved under section 11 of this Bill, provide:</p> <p>(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;</p> <p>(b) basic financial services, that may include but not limited to money transfer (acceptance</p>	

			<p>and payment) travelers cheques, savings, operation of giro account, Bank deposits and withdrawals either directly or on agency basis;</p> <p>(c) postal insurance services, electronic postal services and other information communication technology services;</p> <p>(d) such other financial services as may be determined from time to time by the Public Postal Operator.</p>	
	PART 3 – STAFF OF THE COMMISSION	PART IV - STAFF OF THE COMMISSION	PART III - PROVISIONS AS TO DENOTATION OF RECEIPTS, DOCUMENTS AND OTHER INSTRUMENTS AND PENALTIES	
14	<p>10. (1) The Director-General shall be the Chief Executive of the Commission shall be primarily responsible for the execution of the policies and decisions of the Board and for the day-to-day management and supervision of the activities of the Commission.</p> <p>(2) The Director-General shall be a person possessing sound knowledge of and ability in the organization and management of postal matters and he shall hold office for a term of five years and may be renewed for another term and no more.</p>	<p>10. Appointment of the Director-General</p> <p>(1) The Director-General shall be:</p> <p>(a) the Chief Executive and Accounting Officer of the Commission;</p> <p>(b) responsible for the execution of the policies and decisions of the Commission; and</p> <p>(c) responsible for the day-to-day management and supervision of the activities of the Commission.</p> <p>(2) The Director-General shall be a professional with recognized qualification and experience in the field of postal matters, transport and logistics management, law,</p>	<p>14. Denotation of receipts, documents and other instruments</p> <p>(1) As from the commencement of this Bill, notwithstanding anything contained in any enactment whatsoever:-</p> <p>(a) all receipts, documents and other instruments shall be denoted with adhesive and or electronic stamp of the Postal Service for the purpose of authenticating and validating receipts, documents and other instruments hereinafter referred to as "Stamping Protocol".</p> <p>(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</p>	

		<p>accountancy, finance or administration.</p>	<p>of denoting, authenticating and validating receipts, documents and other instruments.</p> <p>(2) For the purposes of this Bill, the expression "receipts" includes any written, printed, or electronic notes or memorandum, transaction or notification whereby any money amounting to N3000.00 (Three thousand Naira) or upwards, or any bill of exchange or promissory note for the money amounting to three thousand naira or upwards, is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, or any part of a debt or demand of the amount of three thousand naira or upwards is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgement, and whether the same is or is not signed with the name of any person.</p> <p>(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.</p> <p>(4) The expression "instrument" includes</p>	
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			<p>any written, printed or electronic matter formally attributed to his author, records, and formally expresses a legally enforceable act, process, contract or obligation, or rights, and therefore evidences that act, process, or agreement, or documents with value, or can be traded, or contractual rights to deliver or receive cash of any money or asset amounting three thousand naira or upwards is acknowledged or expressed to have been received or deposited or paid, or whereby any debt or demand, or any part of a debt or demand; of the amount of three thousand naira or upwards, is acknowledged to have been settled, satisfied, or discharged, or which signifies or imports any such acknowledgement, and whether the same is or is not signed with name of any person.</p> <p>(5) For the purposes of denotation of receipts, documents and other instruments, the value of the adhesive and electronic postage stamp shall be the prevailing minimum postage rate.</p>	
15	<p>11. (1) The Executive Commissioners shall be persons possessing sound knowledge of and ability in the organization and management of postal regulatory matters and they shall hold office for term of five years and may be renewed for another term and no more.</p>	<p>11. Appointment of Executive Directors</p> <p>(1) There shall be for the Commission, two Executive Directors to be appointed by the President on the recommendation of the Minister.</p> <p>(2) The Executive Directors shall-</p>	<p>15. CANCELLATION AND PENALTIES</p> <p>(1) The denotation 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</p>	

		<p>(a) be professionals with recognized qualification and experience in the field of postal matters, transport and logistics management, law, accountancy, finance or administration;</p> <p>(b) perform such duties as the Commission or Director-General may from time to time assign to them; and</p> <p>(c) hold office –</p> <p>(i) for a term of 4 years in the first instance and may be re-appointed for another term of 4 years and no more; and</p> <p>(ii) on such terms and conditions as may be specified in their letters of appointment</p>	<p>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 One Hundred Thousand.</p> <p>(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 been 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 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.</p> <p>(3) A receipt, document or instrument so admitted in evidence shall not be deemed to be duly stamped but shall be available for the purposes of the suit in which it is tendered in evidence and for that purpose only.</p> <p>(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 One hundred thousand Naira, such person</p>	
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			<p>may recover the said sum of 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.</p> <p>(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.</p> <p>(6) If any person:-</p> <p>(a) gives a receipt, document or instrument liable to be stamped and not duly stamped; or</p> <p>(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; or</p> <p>(c) upon a payment or transaction to the amount of three thousand Naira or upwards, gives a receipt for a sum not amounting to three thousand naira, or separates or divides the value of the amount paid or transaction with the intent to evade the denotation of receipt, document or instrument, such a person shall be guilty of an offence and liable on conviction to a fine of One hundred thousand Naira per receipt, document or instrument.</p>	
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			PART IV - NATIONAL DIGITAL ADDRESSING SYSTEM, ADDRESS VERIFICATION SYSTEM AND POSTCODE SYSTEM	
16	<p>12. (1) There shall be appointed by the Board, for the Commission a Secretary who shall not be a Commissioner but shall possess relevant and adequate professional qualifications, with not less than 10 years post qualification.</p> <p>(2) The Secretary shall keep the corporate records of the Commission perform such other duties and functions as the Chairman or the Director General may from time to time direct.</p>	<p>12. Appointment of Secretary</p> <p>(1) There shall be for the Commission, a Secretary to be appointed by the Commission.</p> <p>(2) The Secretary shall –</p> <p>(a) be a legal practitioner with at least 10 years post call experience;</p> <p>(b) keep the corporate records of the Commission;</p> <p>(c) conduct the correspondence of the Commission;</p> <p>(d) perform such other duties as the Chairman or the Commission may from time to time assign to him.</p>	<p>16. Administration and Planning of the National Digital Addressing System etc</p> <p>(1) The Public Postal Operator shall be vested with the development, operation, administration, control, planning, management and assignment of the National Digital Addressing System, Address Verification System and Postcode System in Nigeria.</p> <p>(2) The Public Postal Operator shall develop, operate, administer, control, plan, manage and assign the National Digital Addressing System, Address Verification System and Postcode System for effective and efficient mail delivery taking into account modern global addressing standards.</p> <p>(3) In developing the National Digital Addressing System, Address Verification System and Postcode System, the Public Postal Operator may liaise with any relevant government, authority or agency.</p> <p>(4) The Public Postal Operator shall maintain and manage the integrated National Digital Addressing, Address Verification and post code database to archive all verified addresses for a period not less than 10 years and make information available to the public for a</p>	

			<p>fee as it may prescribe, in a non-discriminatory manner.</p> <p>(5) Notwithstanding the provisions of subsection (2) of this section, the Public Postal Operator may enter into a Public Private Partnership or agency arrangement to carry out any of its obligations under this section.</p> <p>(6) No person shall carry on the business of address verification services unless the person is duly registered with Public Postal Operator and permitted to perform such service.</p> <p>(7) The Public Postal Operator shall continuously improve the process and operations of the verified address database and digital addressing system.</p> <p>(8) The Public Postal Operator shall ensure data privacy and protection of the digital addressing system and any agent involved in the verification of any address shall be personally liable for the misuse or unauthorized disclosure of such verified information.</p> <p>(9) No digital address shall be regarded as valid and legal except that which has the endorsement of the Public Postal Operator.</p>	
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			PART V - OFFENCES, PENALTIES AND TRIAL OF OFFENCES	
17	<p>13. (1) the Commission shall have powers to appoint such number of other persons as it deems necessary as staff of the Commission.</p> <p>(2) the employment of the Commission's staff, including the Secretary, shall be subject to such terms and conditions as may from time to time be stipulated by the Board and contained in the respective staff's employment contracts.</p>	<p>13. Other Staff of the Commission</p> <p>(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.</p> <p>(2) The members of staff of the Commission shall be public officers as defined in the Constitution of the Federal Republic of Nigeria.</p>	<p>17. Postal offences</p> <p>(1) A person who without lawful authority or with intent to defraud:</p> <p>(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;</p> <p>(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.</p> <p>(2) A person who:</p> <p>(a) steals any postal matter or electronic mail;</p> <p>(b) being charged with the delivery of any postal matter or electronic mail, without lawful authority, fraudulently, willfully 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;</p>	

			<p>(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;</p> <p>(d) demands for the postage or transmission of any letter, postal parcel or electronic mail, at an amount not approved by the Commission;</p> <p>(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;</p> <p>(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;</p> <p>(f) fraudulently, or by means of a false pretense, 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;</p> <p>(h) 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;</p> <p>(i) being an employee of a postal operator</p>	
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			<p>with intent to defraud, receives, gives, delivers, transmits or is in possession of any postal matter by false Pretense.</p> <p>(j) 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;</p> <p>(k) prints, sells, supplies, recycles, offers for sale or otherwise deals in any postage stamp or any postal matter;</p> <p>(l) prints, sells, supplies, recycles, offers for sale counterfeit postage stamps, postal matter, postal payment imprints;</p> <p>(m) removes cancelled stamps or makes from bonafide postage stamp or postage payment imprints for purposes of falsification or re-use;</p> <p>(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, willfully or maliciously, refuses to do so or fraudulently, willfully or maliciously does any act that causes a scarcity of postage stamps or postal items;</p> <p>(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>	
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			<p>(p) engages in any conduct designed to perpetrate postal fraud schemes;</p> <p>(q) refuses to supply or convey information where disclosure or submission is required under the provisions of this Bill or any other written law;</p> <p>(r) refuses to submit to inspection or obstructs or resists inspection activities by law enforcement agencies or the Commission;</p> <p>(s) arranges for permits or transmits banned or prohibited article or item under this Bill, subsidiary legislation or any other written law;</p> <p>(t) without lawful authority offers or is engaged in any of the services exclusively reserved for the Public Postal Operator;</p> <p>(u) colludes with a licensed operator to undercut price, dump items and does not comply with the provisions of this Bill and regulations made under this Bill;</p> <p>(v) patronizes an unlicensed operator; or</p> <p>(w) being a licensed operator partners with unlicensed operators to transact postal or express business commits an offence under this Bill.</p>	
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18	<p>14. (1) The Commission shall develop and implement appropriate staff conditions of service for its staff with particular regard to the issues of remuneration, pensions scheme and other fringe service benefits, sufficient for the Commission to attract and retain quality and high caliber manpower.</p> <p>(2) The Board shall consider and, 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.</p> <p>(3) The Conflict of Interest provisions contained in the Second Schedule to this Act shall apply to all employees of the Commission.</p> <p>(4) Notwithstanding the provisions of the Pensions Act, Service in the Commission shall be approved service for the purposes of the that Bill 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, so however that 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,</p>	<p>14. Conditions of Service and Pension</p> <p>(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.</p> <p>(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.</p> <p>(3) The Conflict of Interest provisions contained in the Second Schedule to this Act shall apply to all employees of the Commission.</p> <p>(4) Service in the Commission shall be approved service for the purposes of the Pension Reform Act 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.</p> <p>(5) Nothing in this Act 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.</p>	<p>18. Breach of Official Duty</p> <p>A person who, being an employee of the Public Postal Operator or is for the time being under duty to discharge any function assigned to him by the Public Postal Operator:</p> <p>(a) negligently and fraudulently fails to perform or discharge that duty;</p> <p>(b) performs that duty fraudulently, negligently, perversely or recklessly; or</p> <p>(c) commits an act or omission in breach of that duty, commits an offence under this Bill.</p>	
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	<p>(5) For the purposes of the application of the Pensions Act, any power exercisable there under by a Minister or other Authority of the Federal Government, other than the power to make regulations hereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.</p>			
19	<p>PART 4 - FINANCIAL PROVISIONS</p> <p>15. (1) The Commission shall establish and maintain a Fund from which all expenditures incurred by the Commission shall be defrayed.</p> <p>(2) The Fund shall comprise funds derived from but not limited to the following sources:</p> <p>(a) such monies as may be appropriated to the Commission from time to time by the National Assembly; subject to subsection (3) of this section;</p> <p>(b) fees charged by the Commission under this Bill or subsidiary legislation or under any license issued pursuant to this Bill;</p> <p>(c) gifts, loans, grants, aids, etc.;</p> <p>(d) all other assets that may from time to time, accrue to the Commission.</p> <p>(3) The Commission shall pay all monies accruing from sale of licenses into the</p>	<p>PART V - FINANCIAL PROVISIONS</p> <p>15. Fund of the Commission</p> <p>(1) The Commission shall establish and maintain a Fund (hereinafter referred to as 'the Fund') from which all expenditures incurred by the Commission shall be defrayed.</p> <p>(2) The Fund shall consist of-</p> <p>(a) such monies as may be appropriated to the Commission from time to time by the National Assembly;</p> <p>(b) Fees charged by the Commission under this Act or regulations issued pursuant to this Act or under any license issued under the provisions of this Act;</p> <p>(c) Such monies as may be received by the Commission by way of gifts, loans, grants, aids;</p> <p>(d) all other assets that may, from time to time, accrue to the Commission;</p> <p>(e) 2.5 percent of the annual turnover of the respective licensees;</p>	<p>19. Penalties</p> <p>(1) A person who commits an offence under this Bill is liable on conviction, where no penalty is otherwise specified, in case of:</p> <p>(a) an individual, to imprisonment for a term of not less than one year or a fine of not less than one million Naira or to both;</p> <p>(b) a body corporate, to a fine not exceeding ten times the initial fee for the relevant license.</p> <p>(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:</p> <p>(a) director, manager, secretary or other similar officers of the body corporate;</p> <p>(b) partner or officer of the firm;</p> <p>(c) person concerned in the management of the affairs of the association; or</p> <p>(d) person who was purporting to act in any such capacity as aforesaid; shall be severally liable for the offence and shall be prosecuted</p>	

	<p>Consolidated Revenue Fund;</p> <p>(a) a fixed percentage of the annual turnover of the respective licensees, to be determined by the Commission from time to time;</p> <p>(b) fines and administrative charges;</p> <p>(c) a fixed amount of money per kilogram of international transactions through the airports to be determined by the Commission from time to time.</p>	<p>(f) fines and administrative charges; and</p> <p>(g) all other monies which may from time to time accrue to the Commission.</p> <p>(3) The proceeds of the Funds of the Commission shall subject to the provisions of section 17 of this Act be applied-</p> <p>(a) to meet the administrative and operating costs of the Commission;</p> <p>(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;</p> <p>(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 Act or any order, rules and regulation made pursuant to this Act;</p> <p>(d) for purposes of investment and</p> <p>(e) for or in connection with all or any of the functions of the Commission under this Act or under any order, rule or regulations made pursuant to this Act.</p> <p>4) Any excess of the Commission's revenue for any year over the approved expenditure for that year shall be remitted to the Consolidated</p>	<p>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.</p> <p>(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.</p>	
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		Revenue Fund.		
20	<p>16. (1) The Commission may, with the consent of, or in accordance with the general authority given by the Minister of Finance, borrow such sums of money as the Commission may require in the exercise of its functions under this Act or its subsidiary legislation.</p> <p>(2) The Commission may accept gifts or grants of money or aids or other property from national, bilateral and multi-lateral organisations 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.</p>	<p>16. Power to borrow and accept gifts (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.</p> <p>(2) The Commission may accept gifts or grants of money or aids or other property from national, bilateral and multi-lateral organisations 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 Act.</p>	<p>20. Jurisdiction to Try Offences 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.</p>	
21	<p>17.(1) The Commission shall not later than 30th September in 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.</p> <p>(2) Notwithstanding the provisions of subsection (1), the Commission may also, in any financial year, submit supplementary or adjusted statements of estimated income and expenditure to the National Assembly through the President for approval.</p>	<p>17. Budget and Expenditure (1) The Commission shall not later than 30th September in each financial year prepare and present to the National Assembly through the Minister for approval, a statement of estimated Income and Expenditure for the following financial year.</p> <p>(2) Notwithstanding the provisions of subsection (1) of this section, the Commission may, in any financial year, submit supplementary or adjusted statements of estimates income and expenditure to the President through the Minister for appropriation.</p>	<p>21. Cases in which compensation may be paid by the Public Postal Operator (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 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.</p> <p>(2) The final decision on all questions of compensation 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</p>	

<p>(3) subject to subsections (1) and (2) of this section, the Commission shall apply the proceeds of the Commission's Fund:</p> <p>(i) to meet the administrative and operating costs of the Commission;</p> <p>(ii) for the payment of salaries, wages, fees and other allowances, retiring benefits such as pensions and gratuities and, any other remunerations payable to the Commissioners and staff of the Commission;</p> <p>(iii) 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;</p> <p>(iv) for purposes of investment; and</p> <p>(v) for or in connection with all or any of the functions of the Commission under this Bill or its subsidiary legislation.</p>		<p>packet; and no claim shall be admitted if made more than a year after the letter or packet was posted.</p> <p>(3) In the case of a packet posted in Nigeria and addressed to a place in Nigeria, 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 –</p> <p>(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</p> <p>(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.</p> <p>(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.</p> <p>(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 comments.</p> <p>(6) Compensation payable for loss or damage of an insured letter or parcel –</p> <p>(a) shall not exceed the amount of the actual loss</p>	
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			<p>or damage;</p> <p>(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</p> <p>(c) shall not be paid if arising from tempest, shipwreck, earthquake, fire outbreak, war, insurgence or other cause beyond control;</p> <p>(d) shall not be paid for delay in the delivery of such packet, letter, parcel or postal article.</p> <p>(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.</p> <p>(8) Compensation shall not be paid for the delay, loss or damage of an uninsured parcel, packet, letter or postal article in any circumstances under any circumstances.</p> <p>(9) No compensation shall be paid –</p> <p>(a) For damage to fragile article, whether sent by letter or parcel post;</p> <p>(b) For damage by water in any case where a parcel was transported for any portion of its journey by carrier, runner or canoe;</p>	
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			PART VI - SPECIAL POWERS OF THE PUBLIC POSTAL OPERATOR	
22	<p>18. (1) The financial year of the Commission shall commence on 1st January of each year and end on 31st December of the same year.</p> <p>(2) The Commission shall keep proper records of its accounts for each year and shall cause its accounts to be audited within 6 months from the end of each financial year by auditors whose appointment shall be approved by the Board and are on the list of auditors approved from time to time by the Auditor-General for the Federation.</p>	<p>18. Financial Year and Audit of the Commission's Account</p> <p>(1) The financial year of the Commission shall commence on 1st January of each year and end on 31st December of the same year.</p> <p>(2) The Commission shall keep proper records of its accounts for each year and shall cause its accounts to be audited within 6 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 for the Federation.</p>	<p>22. Power to Intercept, Detain, etc. of Postal Articles</p> <p>The Public Postal Operator shall have the following specific powers:</p> <p>(a) to intercept, detain, open, inspect, return, deliver to or deal in such manner as may be prescribed, where postal articles:</p> <p>(i) have been posted contrary to the provisions this Bill or regulations made pursuant to this Bill</p> <p>(ii) are suspected or found to be of a fraudulent nature; or</p> <p>(iii) contain goods in respect of which an offence is being committed or is being attempted to be committed; or</p> <p>(iv) contain any fictitious postage stamp or bearing any postage stamp, the surface of which is smeared or coated with any postage 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;</p>	

			<p>(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</p> <p>(c) take all necessary preventive measures in situations in which their implementation cannot be postponed.</p>	
23	<p>19. (1) The Commission 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 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 therein; and</p> <p>(2) The Commission's report under subsection (1) of this section shall have as an attachment thereto the report as specified in this Bill.</p>	<p>19. Annual Reports to the President</p> <p>(1) The Commission shall prepare and submit to the President annually, through the Minister, 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 therein; and</p> <p>(2) In addition to any report which the Commission is required by this Act to submit to the Minister, the Commission shall, subject to subsection (2) of section 23 of this Act, either at its own instance or at the request of the Minister submit to the Minister such other reports as the Minister may require.</p>	<p>23. Power to Open Postal Articles</p> <p>(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, the addressee or sender, as the case may be and thereafter the article shall be opened by the addressee or sender or his agent.</p> <p>(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.</p> <p>(3) In all cases where an article is opened</p>	

			under this section, it shall be given to the addressee or sender as the case may be unless it is required for the purpose of any proceedings under this Bill or any other enactment for the time being in force.	
			PART VII - LEGAL PROCEEDINGS AGAINST THE PUBLIC POSTAL OPERATOR	
24	20. The provisions of any enactment relating to the taxation of companies or trust Funds shall not apply to the Commission.	20. Exemption from Taxation The provisions of any enactment relating to the taxation of companies or trust Funds shall not apply to the Commission.	24. Limitation of Actions against the Public Postal Operator (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 such enactment or law or duty or authority, unless it is commenced within twelve months after the act, neglect or default complained of or, in the case of a continuous damage or injury, within twelve months next after the ceasing thereof. (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.	

			<p>(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.</p> <p>(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.</p>	
25	<p>PART 5 - FUNCTIONS OF THE MINISTER</p> <p>21. (1) The Minister shall have the following responsibilities and functions pursuant to this Bill:</p> <p>(a) the formulation, determination and monitoring, the general policy of the postal sector in Nigeria, to ensure, amongst others, the utilization of the Sector as a platform for the economic and social development of Nigeria;</p> <p>(b) the negotiation and execution of international postal treaties and agreements, on behalf of Nigeria, between sovereign countries and international organizations and bodies;</p> <p>(c) the representation of Nigeria, in</p>	<p>PART VI - RESPONSIBILITIES OF THE MINISTER AND FORMULATION OF POLICY</p> <p>21. Responsibilities of the Minister</p> <p>The Minister shall:</p> <p>(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;</p> <p>(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;</p> <p>(c) represent Nigeria, in conjunction with the Commission and the designated postal</p>	<p>25. Restriction on Execution against Property of the Public Postal Operator</p> <p>Notwithstanding anything contained in any enactment whatsoever, in any action or suit against the Public Postal Operator, no execution or attachment of process in the nature thereof shall be issued against the Public Postal Operator but any sum of money which may, by the judgment of the Court, be awarded against the Public Postal Operator 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 Universal Postal Service Fund.</p>	

	<p>conjunction with the Commission, at proceedings of international organizations and fora on matters relating to the postal industry;</p> <p>(d) establish the broad policy framework for universal service with respect to basic and advanced postal services: and</p> <p>(e) formulate and review broad structure and institutional framework for the postal industry,</p> <p>(2) Based on the sensitivity in the delivery of express cargo or courier items and in the bid to achieve the ultimate goal of consumer satisfaction, the Minister, upon reasonable conviction that such express cargo or courier items conveyed by postal sector operators are time sensitive, shall exempt such express cargo or courier items from the Risk Assessment Report (RAR), or the like.</p> <p>(3) consequent upon the time sensitivity in the delivery of express cargo or courier items and in the effort to achieve maximum customer satisfaction the Minister upon the satisfaction that such express cargo or courier items have been inspected by relevant law enforcement agencies at designated sheds, bonded warehouses and other such inspection centres, exempt such express cargo or courier items from inspection on highways or roads by law enforcement agents, state</p>	<p>operator at proceedings of international organizations and fora on matters relating to postal industry;</p> <p>(d) establish the broad policy framework for universal service with respect to basic and advanced postal services:</p> <p>(e) formulate and review broad structural and institutional frameworks for the postal industry;</p> <p>(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 and other similar requirements from the appropriate institution to expedite the timely delivery of express cargo or expedite the timely delivery of express cargo or courier items; and</p> <p>(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 law enforcement agencies, state and local Government operators.</p>		
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	<p>and local government operators in the course of the delivery of such express cargo or courier items.</p> <p>(4) subject to subsection three of this section, all relevant taxes meant to be paid by the postal or courier express operators to State and local government shall be duly paid at a designated office of all affected States and an appointed office for all the local government in the affected States once per annum without duplication.</p>			
			PART VII - ESTABLISHMENT OF THE NIGERIA POSTAL COMMISSION	
26	<p>22. (1) Prior to the formulation or the review of the general policy for the Nigerian postal sector, the Minister shall cause the Commission on his behalf to first carry out a public consultative process on the proposed policy formulation or modification.</p> <p>(2) In formulating and determining the policy or amendments thereto, the Minister shall take into consideration the findings of the consultative process under subsection (1) of this section.</p>	<p>22. Formulation of Policy</p> <p>(1) Prior to the formulation or the review of the general policy for the Nigerian postal sector, the Minister may, if he deems fit and proper cause the Commission on his behalf to first carry out a public consultative process on the proposed policy formulation or modification.</p> <p>(2) In formulating and determining the policy or amendments thereto, the Minister shall take into consideration the findings of the consultative process referred to in subsection (1) of this section.</p>	<p>26. Establishment of the Nigeria Postal Commission</p> <p>(1) There is hereby established a body to be known as the Nigeria Postal Commission (in this Bill, referred to as "the Commission").</p> <p>(2) The Commission –</p> <p>(a) shall be a body corporate with perpetual succession and a common seal;</p> <p>(b) may sue or be sued in its corporate name;</p> <p>(c) do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Bill; and</p>	

			(d) shall be structured into Departments as the Commission may, from time to time, deem appropriate for the effective discharge of its functions.	
27	<p>23. (1) Subject to the provision of subsection (2) of this section, the Minister shall in writing from time to time, inform the Commission on the general policy direction of the Federal Government in respect of the communications sector.</p> <p>(2) In the execution of his functions and relationship with the Commission, the Minister shall at all times ensure that the independence of the Commission, in regard to the discharge of its functions and operations under this Act, is protected and not compromised in any manner whatsoever.</p>	<p>23. Independence of the Commission</p> <p>(1) Subject to the provision of subsection (2) of this section, the Minister shall in writing from time to time, inform the Commission on the general policy direction of the Federal Government for the postal sector.</p> <p>(2) In the exercise of his responsibilities under this Act, the Minister shall at all times ensure that the independence of the Commission, regarding the discharge of its functions and operation under this Act, is protected and not compromised in any manner whatsoever.</p>	<p>27. Establishment and Membership of the Governing Board of the Commission</p> <p>(1) There is hereby established for the Commission a Governing Board (in this Bill referred to as "the Board").</p> <p>(2) The Board shall consists of the following-</p> <p>(a) a part time Chairman;</p> <p>(b) two Executive Directors of the Commission;</p> <p>(c) three Non-Executive Directors including-</p> <p>(i) One representative of Federal Ministry of Communications;</p> <p>ii) One representative of Federal Ministry of Finance;</p> <p>(iii) One representative of the Federal Ministry of Interior; and</p> <p>(d) the Director-General of the Commission.</p> <p>(3) The Chairman and members of the Board shall be appointed by the President, on the recommendation of the Minister, in accordance with subsection 3 of this section, from the six geo-political zones of Nigeria</p>	

			<p>subject to confirmation by the Senate.</p> <p>(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.</p> <p>(5) 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.</p> <p>(6) 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 –</p> <p>(a) the Director General of the Commission</p> <p>(b) 2 Executive Directors; and</p> <p>(c) 2 Non-Executive Directors.</p> <p>(7) 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.</p> <p>(8) The conflict of interest provisions contained in the Third Schedule to this Bill shall apply to the members of the Board</p>	
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28	<p>PART 6 - LICENCES</p> <p>24. Subject to the provisions of this Bill, the Commission shall have the sole and exclusive power to manage and administer the postal sector and in that regard grant licenses for specific periods and regulate the postal services.</p>	<p>PART VII - LICENCES</p> <p>24. Power to grant license Subject to the provisions of this Act, the Commission shall be responsible for granting licenses for the carrying on of postal services under this Act and for the period specified in the licenses.</p>	<p>28. Tenure of office Members of the Board shall be appointed for a term of 4 years in the first instance and may be reappointed for another term of 4 years and no more.</p>	
29	<p>25. (1) no person shall operate a postal system or facility or provide and operate courier services in Nigeria unless such person:</p> <p>(a) is registered as a company under or pursuant to the Companies and Allied Matters Act as may from time to time be amended; and</p> <p>(b) is granted or holds license under the provisions of this part of the Bill;</p> <p>(c) is exempted under this Bill or regulations made by the Commission under this Bill or any other Act.</p> <p>(2) Notwithstanding subsection (1) of this section, a company operating a courier service may apply to the Commission within six months of the commencement of this Bill to be licensed under the provisions of this Bill.</p>	<p>25. Operation of postal services (1) A person, unless registered as a company and holds a license under this Act shall not –</p> <p>(a) operate a postal system or facility; or</p> <p>(b) provide and operate courier service in Nigeria.</p> <p>(c) is exempted under this Bill or regulations made by the Commission under this Bill or any other Act.</p> <p>(2) Notwithstanding the provisions of subsection (1) of this section, a company operating a courier service may apply to the Commission within six months of the commencement of this Act to be licensed under the provisions of this Part.</p>	<p>29. Allowances of members 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.</p>	
30	<p>26. (1) The Commission shall from time to time determine and publish the criteria for qualification and the persons that are</p>	<p>26. Commission to publish criteria (1) The Commission shall, from time to time, determine and publish, for the information of the general public, the criteria for qualification</p>	<p>30. Cessation of Membership (1) The office of a member of the Board shall become vacant where –</p>	

<p>qualified and licensed to operate postal services and the terms and conditions or those that are exempted from licensing or enjoying any benefits.</p> <p>(2) The Commission shall at all times be guided in the formulation of licensing procedures, issuance of licenses and preparation of license conditions and terms, by the principles of and consideration for:</p> <p>(a) transparency, fairness and non-discrimination;</p> <p>(b) need to promote fair competition and investment in the postal industry;</p> <p>(c) need to provide for modern, qualitative, affordable and readily available postal services in all parts of the country; and</p> <p>(d) such other principles and considerations as the Commission may from time to time consider necessary and in the national interest.</p> <p>(3) In determining the criteria for qualification and licensing, the Commission shall at all times ensure that the previous licensees for such services as at the date of such determination do not suffer any disadvantage except as may be permitted under this Bill and its subsidiary legislations.</p>	<p>and the list of persons qualified to be licensed to operate postal services with the applicable terms and conditions.</p> <p>(2) The Commission shall also publish the list of persons that are exempted from licensing or entitled to enjoy benefits from licenses issued.</p> <p>(3) The Commission shall in the formulation of licensing procedures, issuance of licenses and preparation of license conditions and terms have consideration for:</p> <p>(a) transparency, fairness and non-discrimination;</p> <p>(b) the promotion of competition and investment in the postal industry;</p> <p>(c) the requirement of the provision of modern, qualitative, affordable and readily available postal services in all parts of Nigeria; and</p> <p>(d) such other principles and considerations as the Commission may, from time to time, consider necessary in the national interest.</p> <p>(4). In determining the criteria for qualification and licensing, the Commission shall, at all times ensure that the existing licensees as at the date of such determination do not suffer any disadvantage except as may be permitted under this Act or regulations made under this Act.</p>	<p>(a) his term of office expires;</p> <p>(b) he resigns his office by a notice in writing under his hand addressed to the President;</p> <p>(c) he is incapable of performing the functions of his office due to mental or physical illness;</p> <p>(d) he becomes bankrupt;</p> <p>(e) he has been convicted of a felony or any offence involving dishonesty;</p> <p>(f) he is guilty of gross misconduct relating to his duties;</p> <p>(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</p> <p>(i) he dies.</p> <p>(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.</p> <p>(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</p>
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			geographical zone as that member whose exit created the vacancy.	
			PART IX - FUNCTIONS AND POWERS OF THE COMMISSION	
31	<p>27. The Commission may, whenever it appears necessary or appropriate to do so for the purpose of giving effect to this Bill or for bringing it up to date or otherwise correcting the particulars or requirement for the grant of licence or standards or requirements for operating postal services, modify such particulars, standards, or requirements generally or in relation to a particular case or class of cases.</p>	<p>27. Modification of particulars, standards of license, etc. The Commission may, whenever necessary modify such particulars, standards or requirement generally or in relation to a particular case or category for the purpose of giving effect to this Act.</p>	<p>31. Functions of the Commission (1) The Commission shall –</p> <p>(a) have the sole and exclusive responsibility for the regulation and supervision of the postal sector;</p> <p>(b) The Commission 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.</p> <p>(c) The Commission shall from time to time, make regulations under this Part which shall include –</p> <p>(i) the scope of service required to be rendered under this Part;</p> <p>(ii) the standards of the services;</p> <p>(iii) remunerations for services rendered;</p> <p>(iv) bonus or dividends;</p> <p>(v) penalties as may be applicable for the provision of universal postal products and services;</p>	

			<p>(vi) the disposal of undeliverable postal articles; (vii) the articles that may or may not be transmitted as postal articles; and</p> <p>(viii) the classification of postal articles for postal charges.</p> <p>(ix) the adoption of the regulations agreed upon by the Universal Postal Union for or respecting or in relation to the transmission of postal matter and that same or any part or modification thereof shall be in force within Nigeria;</p> <p>(d) The Commission 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.</p> <p>(2) facilitate investments in and entry into the Nigerian market for the provision and supply of postal services, equipment and facilities;</p> <p>(3) 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;</p> <p>(4) ensure that licensees implement and operate at all times the most efficient and accurate tariff system;</p>	
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			<p>(5) 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;</p> <p>(6) grant and renew postal licenses in accordance with the provisions of this Bill and monitoring and enforcing compliance with license terms and conditions by licensees;</p> <p>(7) propose and effect amendments to license conditions in accordance with the objectives and provisions of this Bill;</p> <p>(8) undertake general responsibility for economic and technical regulation of the postal industry;</p> <p>(9) ensure efficiency and effectiveness of the postal sector;</p> <p>(10) Undertake such other activities which are necessary or convenient for the enhanced performance of the objectives of this Bill and the functions of the Commission.</p>	
32	<p>PART 7 - LICENSE CONDITIONS</p> <p>28. (1)The Commission may, from time to time, make written declaration that an individual licence, or a classification of individual licences, or a class licence is subject to such terms and conditions, or</p>	<p>PART VIII - LICENSE CONDITIONS</p> <p>28. Register of licenses</p> <p>The Commission shall keep a register of all licenses issued under this Act.</p>	<p>32. Powers of the Commission</p> <p>In carrying out its functions under this Bill, the Commission shall have power to:</p> <p>(a) fix and collect fees for grant of postal licenses and for other regulatory services provided by it under this Bill;</p>	

	<p>enjoys such benefits, as the Commission deems fit.</p> <p>(2) Any declaration on the conditions of licence shall be consistent with the objects and provisions of this Act which are relevant to the particular undertaking, matter or activity.</p>		<p>(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;</p> <p>(c) make and enforce regulations and guidelines in accordance with Part XIV of the Bill as may be necessary to give effect to the objectives of this Bill.</p> <p>(d) liaise with any relevant government authority or agency in the naming and numbering of streets buildings and facilities;</p> <p>(e) formulate and manage Nigerian inputs into the setting of international technical standards for postal services and equipment;</p> <p>(f) encourage and promote infrastructure sharing amongst licensees and provide regulatory guidelines thereon;</p> <p>(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;</p> <p>(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;</p>	
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			<p>(i) design, manage and implement universal postal service strategy and programme in accordance with Federal Governments general policy and objectives thereon;</p> <p>(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;</p> <p>(k) implement Governments 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;</p> <p>(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;</p> <p>(m) represent Nigeria at proceedings of international organizations and fora on matters relating to regulation of postal services and matters ancillary and connected thereto;</p> <p>(n) conduct market research on the following and other related matters:</p> <p>(i) the extent of the development of Nigerian postal industry;</p>	
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			<p>(ii) Public Postal Operator needs;</p> <p>(iii) quantitative and qualitative characteristics of demand for postal service;</p> <p>(iv) economic, operational and labour related data on postal operators;</p> <p>(v) the level of technological development of postal operators;</p> <p>(vi) an analysis of the current legal framework for the postal sector; including provisions with respect to competition and consumers;</p> <p>(vii) the technical and economic viability of postal service enterprises;</p> <p>(viii) the quality of postal services rendered by the different service providers doing business in the postal market;</p> <p>(ix) universal postal service standards;</p> <p>(x) the scope of universal postal services rendered by the public postal operator;</p> <p>(xi) supply and demand for universal services;</p> <p>(xii) standards of quality and prices in the postal market;</p> <p>(xiii) the level of investment in the postal sector;</p>	
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			<p>(xiv) development plans and the level of investment by the universal service operator; and</p> <p>(xv) publishing the result of the market study;</p> <p>(o) establish and administer appropriate pricing system for service offerings on the postal market including:</p> <p>(i) universal postal services provided by the public postal service operator, and</p> <p>(ii) service open to competition provided by all postal operators including the public operator;</p> <p>(p) define, delimit and design the content and scope of measures and activities required for the provision of Universal Postal Services; and</p> <p>(q) participate in Universal Postal Union activities and projects aimed at developing Universal Postal Service costing and pricing methodologies.</p> <p>(r) sanction any inappropriate postal practices by postal operators in the industry contrary to the provisions of this Bill.</p>	
33	<p>29. (1) The Commission shall, before making a declaration under section 28 of this Bill, give the affected licencees written</p>	<p>29. Declarations by the Commission on licenses.</p> <p>(1) The Commission may, from time to time, make written declarations that a license or</p>	<p>33. Transparency</p> <p>The Commission shall at all times carry out its functions and duties and exercise its powers under this Bill efficiently, effectively</p>	

	<p>notice of its intention to do so together with a draft copy of the declaration, and the licencees may make written submissions to the Commission thereon within the time period specified by the Commission but not less than 30 (thirty) days from the date of the written notice.</p> <p>(2) The Commission shall, in deciding on the next course of action, take into consideration any submission made by the affected licencees and the principles specified in section 26 (3) of this Bill.</p>	<p>category of licenses is subject to such terms, conditions and durations or enjoys such benefits, as the Commission may from time to time determine.</p> <p>(2) Any declaration on the conditions of license shall be consistent with the objectives of this Act and relevant to the particular undertaking, matter or activity.</p>	<p>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. 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</p>	
			PART X - STAFF OF THE COMMISSION	
34		<p>30. Affected licensee.</p> <p>(1) The Commission shall, before making a declaration under section 29 of this Act, give the affected licensees written notice of its intention to do so together with a draft copy of the declaration, and the licensees may make written submissions to the Commission in respect thereof within the time period specified by the Commission but not less than thirty days from the date of the service of the notice.</p> <p>(2) The Commission shall, in deciding on the next course of action, take into consideration any submission made by the affected licensees and of the provisions of this Act.</p>	<p>34. Appointment of the Director-General</p> <p>(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 be:</p> <p>(a) the Chief Executive and Accounting officer of the Commission;</p> <p>(b) responsible for the execution of the policies and decisions of the Commission; and</p> <p>(c) responsible for the day-to-day management and supervision of the activities of the Commission.</p> <p>(d) hold office –</p> <p>(i) for a term of 4 years in the first</p>	

			<p>instance and may be re-appointed for another term of 4 years and no more; and</p> <p>(ii) on such terms and conditions as may be specified in their letters of appointment.</p> <p>(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.</p>	
35	<p>30. The Commission shall register every declaration as soon as practicable and shall further maintain a register of all such declarations.</p>	<p>31. Commission to register declaration</p> <p>(1) The Commission shall register every declaration as soon as practicable and shall further maintain a register of all such declarations.</p>	<p>35. Appointment of Executive Directors</p> <p>(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.</p> <p>(2) The Executive Directors shall-</p> <p>(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;</p> <p>(b) perform such duties as the Commission or Director-General may from time to time assign to them; and</p> <p>(c) hold office –</p> <p>(i) for a term of 4 years in the first instance and may be re-appointed for another term of</p>	

			4 years and no more; and (ii) on such terms and conditions as maybe specified in their letters of appointment.	
36	<p>31. (1) The Commission may from time to time amend, modify, vary or revoke any licence condition or a declaration regarding a licence.</p> <p>(2) The procedures set out in sections 28, 29 and 30 of this Bill apply mutatis mutandis in respect of any amendment, modification, variation or revocation of a licence condition or declaration.</p>	<p>32. Commission to amend, license etc. condition or declaration The Commission may modify the conditions of a license as considered appropriate.</p> <p>(2) Prior to making modifications under this section, the Commission shall:</p> <p>(a) give notice of the modifications; and</p> <p>(b) consider any representation made in accordance with a notice.</p> <p>(3) The notice referred to in subsection (2)(a) of this section shall state-</p> <p>(a) the proposed modifications;</p> <p>(b) the effect of the modifications;</p> <p>(c) the reason for the modifications; and</p> <p>(d) the period, at least 28 days starting with the date of publication of the notice, within which representations may be made in relation to the proposed modifications.</p> <p>(4) A notice issued under subsection (2) of this section shall be given by:</p> <p>(a) serving a copy of the notice on the licensee; and</p>	<p>36. Appointment of Secretary (1) There shall be for the Commission, a Secretary to be appointed by the Board of the Commission.</p> <p>2) The Secretary shall –</p> <p>(a) be a legal practitioner with at least 10 years post call experience;</p> <p>(b) keep the corporate records of the Commission;</p> <p>(c) conduct the correspondence of the Commission;</p> <p>(d) perform such other duties as the Chairman or the Commission may from time to time assign to him.</p>	

		<p>(b) publication of the notice in such manner as the Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them.</p> <p>(5) Thirty days after making modifications under this section, the Commission shall send a copy of the modifications to the licensee.</p> <p>(6) The Commission may at any time revoke any license condition or declaration pertaining to a license.</p> <p>(7) The procedures set out in sections 28, 29 and 30 of this Act shall apply in respect of any amendment, modification, variation or revocation of a license condition or declaration.</p>		
37	<p>32. (1) The grant of a license shall be personal to the licensee and a license shall not be operated, assigned, sub-licensed or transferred to any other person without the prior written approval of the Commission.</p> <p>(2) A licensee shall at all times comply with the terms and conditions of the license and the provisions of this Act or regulations made under this Act.</p>	<p>33. Assignment of licenses and compliance with license conditions</p> <p>(1) The grant of a license shall be personal to the licensee and a license shall not be operated, assigned, sub-licensed or transferred to any other person without the prior written approval of the Commission.</p> <p>(2) A licensee shall at all times comply with the terms and conditions of the license and the provisions of this Act or regulations made under this Act.</p>	<p>37. Other Staff of the Commission</p> <p>(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.</p> <p>(2) The members of staff of the Commission shall be public officers as defined in the Constitution of the Federal Republic of Nigeria.</p>	

38	<p>33. (1) The Commission shall within 90 days of receiving an application for a license under this Bill, inform the application by written notice:</p> <p>(a) whether or not the license has been granted;</p> <p>(b) in the event of a grant, of any special or additional conditions that apply to the license; and</p> <p>(c) in the event that the application has been refused, the reasons for the refusal.</p> <p>(2) If the Commission neither grants nor refuses to grant licence within 90 days from the receipt of the application, the Commission shall be deemed at the end of the period to have refused to grant the licence unless the applicant receives a written notice approving the application for the licence after the period.</p>	<p>PART IX - RENEWAL AND REVOCATION</p> <p>34. Processing of applications</p> <p>The Commission shall, within 90 days of receiving an application for a license under this Act, inform the application by written notice:</p> <p>(a) whether or not the license has been granted;</p> <p>(b) in the event of a grant, of any special or additional conditions that apply to the license; and</p> <p>(c) in the event that the application has been refused, the reasons for the refusal.</p>	<p>38. Conditions of Service and Pension</p> <p>(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.</p> <p>(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.</p> <p>(3) The Conflict of Interest provisions contained in the Third Schedule to this Bill shall apply to all employees of the Commission.</p> <p>(4) Service in the Commission shall be approved service for the purposes of the Pension Reform Act 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.</p> <p>(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.</p> <p>(6) For the purposes of the application of the</p>	
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			Pensions Act, any power exercisable there under by a Minister or other Authority of the Federal Government, other than the power to make regulations under Section 51 thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.	
			PART XI - FINANCIAL PROVISIONS	
39	PART 8 - RENEWAL AND REVOCATION 34. (1) The licensee may apply for the renewal of a license at least three months before its expiry and the renewal fee to be determined by the Commission shall be payable upon approval of the application. (2) The Commission may refuse an application for the renewal of a license if the licensee has: (a) failed to comply with the terms and conditions of the license; (b) failed to comply with the provisions of this Bill or its subsidiary legislations; or (c) failed to comply with any instrument issued, made or given by the Commission. (3) If the Commission has no intention of renewing the license, the Commission shall: (a) inform the licensee by notice in writing not later than 3 months from the date of receipt of its refusal to renew the license;	35. Renewal of license (1) The licensee may apply for the renewal of a license at least 6 months prior to its expiration and the renewal fee, to be determined by the Commission, shall be payable upon approval of the application. (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 Act or regulations made pursuant to this Act; 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 months from the date of receipt of the application for renewal of the license of its	39. Fund of the Commission (1) The Commission shall establish and maintain a Fund (hereinafter referred to as 'the Fund') from which all expenditures incurred by the Commission shall be defrayed. (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) 2.5 percent of the annual turnover of the respective licensees;	

	<p>and</p> <p>(b) Notify and publish such intention at least 30 days before the expiry of the license.</p> <p>(c) The affected licensee shall be given a reasonable opportunity to make written submissions to the Commission within a time period specified in the notice and such time period shall not be less than 14 days from the date of receipt of notice.</p> <p>(d) the affected licensee may within the time period specified in the notice forward a written submission to the Commission for consideration.</p>	<p>intention not to renew the license; and</p> <p>(b) publish such intention at least 30 days before the expiry of the license.</p> <p>(4) The Commission shall give the affected licensee a reasonable opportunity to make written submissions to it within a time period specified in the notice and such time period shall not be less than 14 days from the date of receipt of notice.</p> <p>(5) The affected licensee may within the time period specified in the notice forward a written submission to the Commission for consideration.</p>	<p>(f) fines and administrative charges; and</p> <p>(g) all other monies which may from time to time accrue to the Commission.</p> <p>(3) The proceeds of the Funds of the Commission shall be applied-</p> <p>(a) to meet the administrative and operating costs of the Commission;</p> <p>(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;</p> <p>(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;</p> <p>(d) for purposes of investment; and</p> <p>(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.</p> <p>(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.</p>	
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			(5) The Commission shall pay all monies accruing from sale of licenses into the Consolidated Revenue Fund.	
40	<p>35. (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.</p> <p>(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 that date specified.</p> <p>(3) The 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.</p>	<p>36. Surrender of license</p> <p>(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.</p> <p>(2) The surrender shall take effect on the date the Commission receives the license or where a later date is specified in the notice, on the date specified in the notice.</p> <p>(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</p>	<p>40. Power to borrow and accept gifts</p> <p>(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.</p> <p>(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.</p>	
41	<p>36. (1) The Commission may, by declaration suspend or revoke a license granted under this Act in any of the following circumstances:</p> <p>(a) Licensee has failed to pay any amount or fine required by or imposed pursuant to this Bill;</p> <p>(b) the licensee has failed to comply with the provisions of this Bill or its subsidiary legislations or the terms and conditions of</p>	<p>37. Suspension or revocation of license</p> <p>(1) The Commission may, by declaration suspend or revoke a license granted under this Act in any of the following circumstances where the:</p> <p>(a) Licensee has failed to pay any amount or fine required by or imposed on the licensee under this Act;</p> <p>(b) Licensee has failed to comply with the provisions of this Act or regulations made pursuant to this Act or the terms and</p>	<p>41. Budget and Expenditure</p> <p>(1) The Commission shall not later than 30th September in 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.</p> <p>(2)Notwithstanding the provisions of subsection (1) of this section, the Commission may, in any financial year, submit supplementary or adjusted statements of estimates income and</p>	

<p>the license:</p> <p>(c) the licensee has contravened the provisions of any other written law relevant to the postal industry;</p> <p>(d) the licensee has failed to comply with any instrument issued, made or given by the Commission;</p> <p>(e) if the licensee:</p> <p>(i) is unable to pay its debts within the meaning of that expression as defined in the Companies and Allied Matters Act;</p> <p>(ii) enters into a receivership or liquidation;</p> <p>(iii) takes any action for its voluntary winding-up or dissolution or enters into any scheme of arrangement (other than in any such case for the purpose of reconstruction or amalgamation upon terms and within such period as may previously have been approved in writing by the Commission) or any order is made by a competent court or tribunal for its compulsory winding-up or dissolution; or</p> <p>(iv) the suspension or revocation is in the public interest.</p> <p>(2) Notwithstanding any contrary provision in this Bill, an individual license may be suspended or revoked under subsections (1)(a), (b), (c) or (d) of this section only after:</p>	<p>conditions of the license:</p> <p>(c) Licensee has contravened the provisions of any other law relevant to the postal industry;</p> <p>(d) Licensee has failed to comply with any instrument issued, made or given by the Commission;</p> <p>(e) Licensee has ceased to be a person qualified to hold the license;</p> <p>(f) Licensee is adjudged to have committed any fraud or intentional misrepresentation at the time of applying for the license;</p> <p>(g) suspension or revocation is in the public interest.</p> <p>(2) Notwithstanding any other provisions contained in this Act, a license may be suspended or revoked under subsection (1) of this section only after:</p> <p>(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 days from the date of the notice; and</p> <p>(b) the licensee has failed to rectify the breach within the time frame stipulated in paragraph (a) of this subsection.</p>	<p>expenditure to the National Assembly through the President for approval.</p>	
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	<p>(a) the Commission shall by written notice, have informed the licensee of the breach under the said subsection and demanded that the breach be rectified (if it is capable of rectification), within 60 days from the date of the notice; and</p> <p>(b) the licensee has failed to rectify the breach within the time-frame.</p> <p>(3) Prior to the suspension or revocation of a license under subsections (1)(a), (b), (c) or (d) 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 reasons thereof.</p> <p>(4) The affected licensee shall be given a reasonable opportunity to make written submissions to the Commission within a time period specified in the notice and such time period shall not be less than 14 days from the date of the notice.</p> <p>(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.</p> <p>(6) Subject to subsections (4) and (5) of this section, the suspension or revocation</p>	<p>(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.</p> <p>(4) The Licensee concerned shall be given a 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 days from the date of the notice.</p> <p>(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.</p> <p>(6) Subject to subsections (4) and (5) of this section, the suspension or revocation of the license shall take effect on the expiration of 30 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.</p> <p>(7) Where the suspension or revocation of a license has taken effect, the Commission shall, as soon as practicable, cause the suspension or cancellation to be published in at least two widely circulated national daily</p>		
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	<p>of the license shall take effect on the expiration of 30 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.</p> <p>(7) Where the suspension or revocation of a license has taken effect, the Commission shall, as soon as practicable, cause the suspension or cancellation to be published in at least one national daily newspaper.</p> <p>(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.</p>	<p>newspapers.</p> <p>(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.</p>		
42	<p>37. (1) In the event of a suspension of a license, the Commission shall determine and communicate to the licensee the duration of the suspension and the penalties that shall be attendant therefore which may include but shall not be limited to withdrawal of assigned spectrum allocation.</p> <p>(2) In determining the duration of and penalties consequent upon suspension of a license, the Commission shall take into consideration amongst other factors, the gravity of the breach that necessitated the suspension and any mitigating circumstances or conduct thereof.</p>	<p>38. Effect of suspension, surrender and revocation of a license</p> <p>(1) In the event of a suspension of a license, the Commission shall determine and communicate to the licensee the duration of the suspension and the penalties that shall be imposed in consequence of the suspension, which may include closure of the business place.</p> <p>(2) In determining the duration of and penalties consequent upon suspension of a license, the Commission shall take into consideration, amongst other factors, the gravity of the breach that necessitated the suspension and any mitigating circumstances or conduct thereof.</p>	<p>42. Financial Year and Audit of the Commission's Account</p> <p>(1) The financial year of the Commission shall commence on 1st January of each year and end on 31st December of the same year.</p> <p>(2) The Commission shall keep proper records of its accounts for each year and shall cause its accounts to be audited within 6 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 for the Federation.</p>	

		<p>(3) Where the revocation of license under section 37 of this Act or the surrender of an individual license under section 36 of this Act, has taken effect or where the individual license has expired, the licensee shall immediately lose the right to provide any service in respect of which the license was granted.</p> <p>(4) Notwithstanding the provisions of subsection (1) of this section and without prejudice to specific license conditions, the Commission may authorize the licensee in writing to continue with provision of any facility or service for such period as the Commission may specify in the authorization for the purpose of:</p> <p>(a) winding up the licensee's affairs;</p> <p>(b) relocating the licensee's consumers, to some other licensee as the Commission may determine and on such terms and conditions as the Commission may specify;</p> <p>(c) making or effecting such other arrangements as the Commission may specify for the continued provision of services to the licensee's customers; and</p> <p>(d) carrying out such other ancillary and related activities as the Commission may consider necessary.</p> <p>(5) Notwithstanding the provisions of subsection (1) of this section, the licensee whose license has expired shall be entitled to</p>	
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		<p>continue with the provision of a service as if his license has not expired upon proof being submitted to the Commission that the licensee has applied for the renewal of the license in accordance with the requirement of section 35 of this Act and that such application is awaiting determination by the Commission.</p> <p>(6) Any person who contravenes the provisions of subsection (3) of this section commits an offence and is liable on conviction to the punishment prescribed in section 103 of this Act.</p>		
43	<p>PART 9 - DIRECTIONS</p> <p>40. (1) The Commission may, from time to time, issue directions in writing to any person regarding the compliance or non-compliance with any license conditions or provisions of this Bill or its subsidiary legislations, including but not limited to the remedy of a breach of any license condition or the provisions of this Bill or its subsidiary legislations.</p> <p>(2) The Commission shall, before issuing a direction under subsection (1) of this section, issue a notice in writing to the person specifying the nature of compliance required and the person shall be granted an opportunity to be heard or may submit a written submission within the a reasonable time period specified in the notice on the reasons for his conduct or activity.</p>	<p>PART X - DIRECTIONS</p> <p>39. Directions by the Commission in relation to licenses</p> <p>(1) The Commission may, from time to time, issue directions in writing to any person regarding the compliance or non-compliance with any license conditions or provisions of this Act or regulations made under this Act including the remedy of a breach of any license condition or the provisions of this Act or regulation made under this Act.</p> <p>(2) The Commission shall, before issuing a direction under subsection (1) of this section, issue a notice in writing to the person specifying the nature of compliance required and the person shall be granted an opportunity to be heard or may submit a written submission within the specified time in the notice on the reasons for his conduct or activity.</p>	<p>43. Exemption from Taxation</p> <p>The provisions of any enactment relating to the taxation of companies or trust Funds shall not apply to the Commission.</p>	

	<p>(3) The Commission shall, after the expiry of the notice specified in subsection (2) of this section, take into consideration any reasons provided by the person before making a decision in relation to the relevant conduct or activity of the person.</p> <p>(4) After due consideration of any reasons, provided by the person, the Commission may issue a direction under subsection (1) of this section requiring the person to take specified action directed towards ensuring that the person does not contravene or continue to contravene any of the conditions of his license or any of the provisions of this Act or its subsidiary legislations.</p> <p>(5) The Commission shall give the person written notice of its direction not later than 30 days from the date the decision was made on the direction and the person shall comply with the direction issued by the Commission.</p>	<p>(3) The Commission shall, after the expiry of the notice specified in subsection (2) of this section, take into consideration any reasons provided by the person before making a decision in relation to the relevant conduct or activity of the person.</p> <p>(4) After due consideration of any reasons, provided by the person, the Commission may issue a direction under subsection (1) of this section requiring the person to take specific action directed towards ensuring that the person does not contravene or continue to contravene any of the conditions of his license or any of the provisions of this Act or regulation made under this Act.</p> <p>(5) The Commission shall give the person written notice of its direction not later than 30 days from the date the decision was made on the direction and the person shall comply with the direction issued by the Commission.</p>		
			PART XII - LICENCES	
44	<p>41. The Commission may modify, vary or revoke a direction on a license and the procedure set out in section 40 of this Bill shall apply mutatis mutandis in respect of any modification, variation or revocation of a direction.</p>	<p>40. Modification of directions on licenses The Commission may modify, vary or revoke a direction on a license and the procedure set out in section 39 of this Act shall apply in respect of any modification, variation or revocation of a direction.</p>	<p>44. Power to grant license Subject to the provisions of this Bill, the Commission shall be responsible for granting licenses for the carrying on of postal services under this Bill and for the period specified in the licenses.</p>	
45	<p>42. Without prejudice to any other</p>	<p>41. Non-compliance with directions Without prejudice to any other provision of this</p>	<p>45. Operation of postal services (1) A person other than the Public Postal</p>	

	provision of this Bill or a license condition, a person who fails to comply with a direction of the Commission shall be liable to the payment of a fine to the Commission in such amount as the Commission may at its discretion impose.	Act or a license condition, a person who fails to comply with a direction of the Commission shall be liable to the payment of a fine to the Commission in such amount as the Commission may at its discretion impose from time to time.	Operator shall not :- (a) operate a postal system or facility; or (b) provide and operate express/courier service 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 courier service may apply to the Commission within six months of the commencement of this Bill to be licensed under the provisions of this Part.	
46	43. The Commission shall maintain a register of all directions issued by the Commission, including any written instruments modifying, varying or revoking a direction, in accordance with this Bill.	42. Register of directions The Commission shall maintain a register of all directions issued by the Commission, including any written instruments modifying, varying or revoking a direction, in accordance with Part 14 of this Act.	46. Assignment of licenses and compliance with license conditions (1) The grant of a license shall be personal to the licensee and a license shall not be operated, assigned, sub-licensed or transferred to any other person without the prior written approval of the Commission. (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 XIII - RENEWAL AND REVOCATION	
47	PART 10 – INQUIRY 44. (1) The Commission may hold a public inquiry on any matter of a general nature that relates to the administration of this Act or its subsidiary legislations which will	PART XI – INQUIRIES AND INVESTIGATIONS BY THE COMMISSION 43. Public Inquiry (1) The Commission may hold a public inquiry on any matter of a general nature that relates to the administration of this Act or regulations made pursuant to this Act for the	47. Processing of applications The Commission shall, within 90 days of receiving an application for a license under this Bill, inform the applicant by written notice: (a) whether or not the license has been	

	<p>serve the objects of this Bill.</p> <p>(2) Subject to subsection (3) of this section, the Commission may hold a public inquiry under subsection (1) of this section:</p> <p>(a) in response to a written request from a person; or</p> <p>(b) on its own initiative only if it is satisfied that the matter is of significant interest to either the public or to the current or prospective licensees under this Bill.</p> <p>(3) The Commission shall hold a public inquiry in all instances that it is mandatorily required to hold an inquiry under this Act or its subsidiary legislation.</p> <p>(4) The Commission may combine two or more inquiries into a single inquiry and an inquiry under this Chapter shall be conducted as and when the Commission deems fit.</p> <p>(5) The Commission may, for the purposes of an inquiry, exercise any or all of its investigation and information-gathering powers under the relevant parts of this Bill.</p>	<p>purpose of the objects of this Act, provided that the Commission shall hold a public inquiry in all instances that it is mandatorily required to hold an inquiry under this Act or regulations made under this Act.</p> <p>(2) Subject to the provisions of subsection (1) of this section, the Commission may hold a public inquiry:</p> <p>(a) in response to a written request from a person; or</p> <p>(b) on its own initiative, only if it is satisfied that the matter is of significant interest to either the public or to current or prospective licensees under this Act.</p> <p>(3) The Commission may combine two or more inquiries into a single inquiry and an inquiry under this Part shall be conducted as and when the Commission deems fit.</p> <p>(4) The Commission may, for the purposes of an inquiry, exercise any or all of its powers under this Act.</p> <p>(5) Where the Commission decides to hold a public inquiry, the Commission may publish in the manner it deems appropriate notice of the:</p> <p>(a) fact that it is holding the inquiry;</p> <p>(b) period during which the inquiry is to be held;</p>	<p>granted;</p> <p>(b) in the event of a grant, of any special or additional conditions that apply to the license; and</p> <p>(c) in the event that the application has been refused, the reasons for the refusal.</p>	
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		<p>(c) nature of the matter to which the inquiry is to be held;</p> <p>(d) period, of at least 21 days, within which, and the form in which, members of the public are invited to make submissions to the Commission about the subject matter of the inquiry;</p> <p>(e) matters that the Commission would like the submissions to deal with; and</p> <p>(f) address or addresses to which the submissions may be sent.</p> <p>(6) The Commission may not publish at the same time or in the same manner the notice of all matters referred to in subsection (5) of this section.</p> <p>(7) The Commission shall consider any submissions received within the time limit as specified in the notice and the submissions made by the members of the public shall be in the form and of the nature as specified in the notice.</p>		
48	<p>45. (1) Subject to section 44 of this Bill, if the Commission decides to hold a public inquiry, the Commission shall publish, in the manner it deems appropriate, notice of:</p> <p>(a) the fact that it is holding the inquiry;</p> <p>(b) the period during which the inquiry is to be held;</p>		<p>48. Renewal of license</p> <p>(1) The licensee may apply for the renewal of a license at least 6 months prior to its expiration and the renewal fee, to be determined by the Commission, shall be payable upon approval of the application.</p> <p>(2) The Commission may refuse an application for the renewal of a license if the licensee has failed to comply with-</p>	

	<p>(c) the nature of the matter to which the inquiry relates;</p> <p>(d) the period, of at least 21 days, within which, and the form in which, members of the public are invited to make submissions to the Commission about the subject matter of the inquiry;</p> <p>(e) the matters that the Commission would like the submissions to deal with; and</p> <p>(f) the address or addresses to which the submissions may be sent.</p> <p>(2) The Commission does not need to publish at the same time or in the same manner the notice of all matters referred to in subsection (1) of this section.</p> <p>(3) The Commission shall consider any submissions received within the time limit as specified in the notice and the submissions made by the members of the public shall be in the form and of the nature as specified in the notice.</p>		<p>(a) the terms and conditions of the license;</p> <p>(b) the provisions of this Bill or regulations made pursuant to this Bill; or</p> <p>(c) any instrument issued, made or given by the Commission in connection with the license, its terms and conditions.</p> <p>(3) Where the Commission has no intention of renewing the license, the Commission shall:</p> <p>(a) inform the licensee by notice in writing not later than 3 months from the date of receipt of the application for renewal of the license of its intention not to renew the license; and</p> <p>(b) publish such intention at least 30 days before the expiry of the license.</p> <p>(4) The Commission shall give the affected licensee a reasonable opportunity to make written submissions to it within a time period specified in the notice and such time period shall not be less than 14 days from the date of receipt of notice.</p> <p>(5) The affected licensee may within the time period specified in the notice forward a written submission to the Commission for consideration.</p>	
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49	<p>46. (1) Notwithstanding the provisions of section 44 of this Bill an inquiry or a part of an inquiry may be conducted in private if the Commission is satisfied that:</p> <p>(a) the documents or information that may be given, or a matter that may arise during the inquiry or a part of the inquiry, is of a confidential nature; or</p> <p>(b) the inquiry or part of the inquiry or a matter, or part of a matter, if conducted in public would not be conducive to the due administration of this Bill.</p> <p>(2) If an inquiry takes place in public and the Commission is of the opinion that:</p> <p>(a) the evidence or other material presented to the Inquiry; or</p> <p>(b) the material in written submissions lodged with the Commission is of confidential nature, the Commission may direct that:</p> <p>(i) the evidence or material should not be published; or</p> <p>(ii) its disclosure be restricted.</p> <p>(3) A person shall not without an excuse that is considered reasonable by to the Commission fail to comply with a direction under subsection (2) of this section.</p> <p>(4) If an inquiry or part of an inquiry takes place in private, the Commission:</p>	<p>44. Private Inquiry</p> <p>(1) Notwithstanding the provisions of section 43 of this Act, an inquiry or a part of an inquiry may be conducted in private if the Commission is satisfied that the:</p> <p>(a) documents or information that may be given, or a matter that may arise during the inquiry or a part of the inquiry, is of a confidential nature; or</p> <p>(b) inquiry or part of the inquiry or a matter, or part of a matter, if conducted in public would not be conducive to the due administration of this Act.</p> <p>(2) If an inquiry takes place in public and the Commission is of the opinion that the:</p> <p>(a) evidence or other material presented to the Inquiry; or</p> <p>(b) material in written submissions lodged with the Commission is of confidential nature, the Commission may direct that:</p> <p>(i) the evidence or material should not be published, or</p> <p>(ii) its disclosure be restricted;</p> <p>(3) A person shall not without satisfactory reasons acceptable to the Commission fail to comply with a direction under subsection (2) of this section.</p> <p>(4) If an inquiry or part of an inquiry takes place in private, the Commission:</p>	<p>49. Surrender of license</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	
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	<p>(a) shall give a direction as to the persons who may be present at the inquiry or part of the inquiry; and</p> <p>(b) may give a direction restricting the disclosure of evidence or other material presented at the inquiry or part of the inquiry.</p> <p>(5) Notwithstanding the provisions of this section, a person who without reasonable excuse fails to comply with a direction given under subsection (4) of this section shall be liable to the payment of a fine to the Commission in such amount as the Commission may at its discretion impose.</p>	<p>(a) shall give a direction as to the persons who may be present at the inquiry or part of the inquiry; and</p> <p>(b) may give a direction restricting the disclosure of evidence or other material.</p> <p>(5) Notwithstanding the provisions of section 43 of this Act, a person who without reasonable excuse fails to comply with a direction given under subsection (4) of this section shall be liable to the payment of a fine to the Commission in such amount as the Commission may prescribe in regulations issued pursuant to this Act.</p>		
50	<p>47. (1) The Commission shall publish a report setting out its findings as a result of any inquiry it conducts and the report shall be published within 30 days of the conclusion of the inquiry.</p> <p>(2) The Commission shall not include in the report any material:</p> <p>(a) that is, in the Commission's opinion, of a confidential nature; and</p> <p>(b) the disclosure of which is likely to prejudice the fair trial of a person; and</p>	<p>45. Publications of report of inquiry</p> <p>(1) The Commission shall publish a report of any inquiry it conducts within 30 days of the conclusion of the inquiry which shall:</p> <p>(a) contain a basis of the decision or order;</p> <p>(b) be properly recorded in writing; and</p> <p>(c) be accessible to the public at reasonable times and places.</p> <p>(2) The Commission shall not include in the report any material:</p> <p>(a) that is in the Commission's opinion of a confidential nature;</p> <p>(b) the disclosure of which is likely to prejudice the fair trial of a person; and</p>	<p>50. Suspension or revocation of license</p> <p>(1) The Commission may, by declaration suspend or revoke a license granted under this Bill in any of the following circumstances where the:</p> <p>(a) Licensee has failed to pay any amount or fine required by or imposed on the licensee under this Bill;</p> <p>(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;</p> <p>(c) Licensee has contravened the provisions of any other law relevant to the postal industry;</p>	

	<p>(c) which would involve the unreasonable disclosure of personal information; about any individual including a deceased person.</p> <p>(3) Civil proceedings shall not lie against a person in respect of any loss, damage or injury of any kind uttered by another person because of any of the following acts:</p> <p>(a) the making of a request under section 44 of this Bill; or</p> <p>(b) the making of a statement, or giving of a document or information, to the Commission in relation to an inquiry under this Chapter.</p> <p>(4) The Commission shall maintain a register of all reports made pursuant to an inquiry under this Part, in accordance with the provisions of this Bill.</p>	<p>(c) which would involve the unreasonable disclosure of personal information about any individual including a deceased person.</p> <p>(3) Civil proceedings shall not lie against a person in respect of any loss, damage or injury of any kind suffered by another person because of any of the following acts.</p> <p>(a) the making of a request under section 45 of this Act; or</p> <p>(b) the making of a statement or giving of a document or information to the Commission in relation to an inquiry under this section.</p> <p>(4) The Commission shall maintain a register of all reports made pursuant to an inquiry under this Part in accordance with the provisions of Part 14 of this Act.</p>	<p>(d) Licensee has failed to comply with any instrument issued, made or given by the Commission;</p> <p>(e) Licensee has ceased to be a person qualified to hold the license;</p> <p>(f) Licensee is adjudged to have committed any fraud or intentional misrepresentation at the time of applying for the license;</p> <p>(h) suspension or revocation is in the public interest.</p> <p>(2) Notwithstanding any other provisions contained in this Bill, a license may be suspended or revoked under subsection (1) of this section only after:</p> <p>(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 days from the date of the notice; and</p> <p>(b) the licensee has failed to rectify the breach within the time frame stipulated in paragraph (a) of this subsection.</p> <p>(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</p>	
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			<p>the decision taken in this respect.</p> <p>(4) The Licensee concerned shall be given a 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 days from the date of the notice.</p> <p>(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.</p> <p>(6) Subject to subsections (4) and (5) of this section, the suspension or revocation of the license shall take effect on the expiration of 30 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.</p> <p>(7) Where the suspension or revocation of a license has taken effect, the Commission shall, as soon as practicable, cause the suspension or cancellation to be published in at least two widely circulated national daily newspapers.</p> <p>(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.</p>	
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	PART 11 – INVESTIGATION FOR THE PURPOSE OF ADMINISTRATION, INQUIRY, ETC.	PART XII - INVESTIGATIONS FOR PURPOSES OF ADMINISTRATION	PART XIV - REGULATIONS, GUIDELINES BY COMMISSION	
51	<p>48. (1) Notwithstanding the provisions of any other written law, the Commission may investigate any matter pertaining to the administration of this Bill or its subsidiary legislation was, or will be committed.</p>	<p>46. Investigation Notwithstanding the provisions of any other law, the Commission may investigate any matter pertaining to the administration of this Act or regulations issued under this Act where the Commission has grounds to believe that an infringement, civil or criminal, of the provisions of this Act or regulations, was, is or will be committed.</p>	<p>51. Regulations, Guidelines etc. by the Commission: (1) The Commission may issue and publish regulations covering all or any of the following matters –</p> <ul style="list-style-type: none"> (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 their due administration. <p>(2) The Commission may also 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.</p>	

			PART XV - MONITORING AND REPORTING	
52	<p>49. (1) The Commission may conduct an investigation on a matter referred to in section 44 of this Bill upon a written complaint by a person and the complaint shall specify the person against whom the complaint is made.</p> <p>(2) if a complaint has been made to the Commission under this section, the Commission may make inquiries of the respondent for the purpose of deciding whether the Commission should, in its discretion, investigate the matter.</p> <p>(3) If the Commission decides not to investigate, or not to investigate further, a matter to which a complaint relates, it shall not later than 60 days from the date of receipt of the complaint and in such manner as it thinks fit, inform the complainant and the respondent of the decision and the reasons for the decision.</p>	<p>47.Complaint</p> <p>(1)The Commission may conduct an investigation on any matter under this Act upon a written complaint by a person and the complaint shall specify the person against whom the complaint is made,</p> <p>(2)Where a complaint has been made to the Commission under this section, the Commission may make inquiries of the respondent for the purpose of deciding whether the Commission should, in its discretion, investigate the matter.</p> <p>(3)Where the Commission decides not to investigate, or not to investigate further, a matter to which a complaint relates, it shall not later than 60 days from the date of receipt of the complaint and in such manner as it thinks fit, inform the complainant and the respondent of the decision and the reasons for the decision.</p>	<p>52.Monitoring and Reporting</p> <p>(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 of the Commission.</p> <p>(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.</p> <p>(3) Matters upon which the Commission shall monitor and report include:</p> <p>(a) the operation and administration of this Bill and rules and regulations made under this Bill:</p> <p>(b) the efficiency in which licensees provide facilities and services;</p> <p>(c) the quality of services;</p> <p>(d) industry statistics generally, including but not limited to the provision of services, traffic patterns, industry operators;</p> <p>(e) the tariff rate and charges paid by consumers for services;</p> <p>(f) the development of industry self-</p>	

			<p>regulation;</p> <p>(g) the adequacy and availability of services in all parts of Nigeria;</p> <p>(h) any deficiencies in the scope or operation of this Bill and regulations made under this Bill;</p> <p>(i) other matters as deemed appropriate by the Commission.</p> <p>(4) The Commission shall publish report under this section in a manner it deems appropriate.</p>	
			PART XVI - GENERAL COMPETITION PRACTICES	
53	<p>50. (1) The Commission shall before beginning an investigation of a matter to which the complaint relates, inform the respondent that the matter is to be investigated.</p> <p>(2) An investigation under this part shall be conducted as the Commission may, for the purposes of an investigation, obtain information from such persons as it thinks fit.</p> <p>(3) Subject to subsection (4) of this section, a complainant or respondent may, at the Commission's discretion, be given an opportunity to appear before the Commission in connection with an</p>	<p>48. Conduct of investigation</p> <p>(1) The Commission shall, before embarking on an investigation of a matter to which a complaint relates, inform the respondent that the matter is to be investigated.</p> <p>(2) An investigation under this Part shall be conducted as the Commission thinks fit and the Commission may, for the purposes of an investigation, obtain information from such persons as it thinks fit.</p> <p>(3) Subject to the provisions of subsection (4) of this section, a complainant or respondent may, at the Commission's discretion be given an opportunity to appear before the Commission in connection with an</p>	<p>53. Power of the Commission to Regulate Competition Practice in the Postal Sector</p> <p>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 market.</p>	

	<p>investigation.</p> <p>(4) The Commission shall not, as a result of the investigation, make a finding that is adverse to the complainant or a respondent unless it has given the complainant or respondent an opportunity to make written submission about a matter to which the investigation relates within a time period of not less than 21 days.</p> <p>(5) The Commission shall consider the submissions made by the complainant or respondent under subsection of this section before making its decision.</p> <p>(6) The Commission may, after concluding an investigation, prepare and publish a report which shall cover:</p> <p>(a) the conduct of the investigation concerned;</p> <p>(b) any findings that the Commission has made as a result of the investigation;</p> <p>(c) the evidence and other material on which those findings were based; and</p> <p>(d) such other matters relating to, or arising out of, the investigation as the Commission thinks fit.</p>	<p>investigation.</p> <p>(4) The Commission shall not, as a result of the investigation, make a finding that is adverse to a complainant or a respondent unless it has given the complainant or respondent an opportunity to make written submission about a matter to which the investigation relates within a period of time of not less than 21 days.</p> <p>(5) The Commission shall consider the submission made by the complainant or the respondent under subsection (4) of this section before making its decision,</p> <p>(6) The Commission may, after concluding an investigation, prepare and publish a report which shall cover:</p> <p>(a) the conduct of the investigation concerned;</p> <p>(b) any findings that the Commission has made as a result of the investigation;</p> <p>(c) the evidence and other material on which those findings were based;</p> <p>(d) the basis for the decision; and</p> <p>(e) other relevant matters.</p>		
54	<p>PART 12 – INFORMATION GATHERING POWER</p> <p>51. (1) This section applies to any person</p>	<p>PART XIII - INFORMATION GATHERING BY COMMISSION</p> <p>49. Information gathering</p> <p>(1) This section applies to any person who is</p>	<p>54. Anti-Competition practices</p> <p>(1) A licensee shall not engage in any conduct which has the purpose or effect of substantially lessening competition in any</p>	

<p>who is subject to this Bill and who the Commission has reason to believe:</p> <p>(a) has any information, including but not limited, to accounts and records or any document that is relevant to the exercise of the Commission's powers and functions under this Bill or subsidiary legislation; or</p> <p>(b) is capable of giving any evidence which the Commission has reason to believe is relevant to the exercise of the Commission's powers and functions under this Bill or subsidiary legislation.</p> <p>(2) The Commission may, by a written notice, direct any person who is subject to this Bill to:</p> <p>(a) give the Commission within the period and in the manner specified in the notice, any such information;</p> <p>(b) produce to the Commission, within the period and in the manner specified, any such documents, whether in a physical form or in an electronic form; or</p> <p>(c) make copies of any such documents and produce those copies to the Commission within the period and in the manner specified in the notice.</p> <p>(3) The Commission shall allow the person so directed under subsection (2) of this</p>	<p>subject to this Act and who the Commission has reason to believe:</p> <p>(a) has any information, including but not limited, to accounts and records or any document that is relevant to the exercise of the Commission's powers and functions under this Act or regulations made under this Act; or</p> <p>(b) is capable of giving any evidence which the Commission has reason to believe is relevant to the exercise of the Commission's powers and functions under this Act or regulations made under this Act.</p> <p>(2) The commission may, by a written notice, direct any person who is subject to this Act to:</p> <p>(a) give the Commission within the period and in the manner and form specified in the notice, any information required by the Commission;</p> <p>(b) produce to the Commission, within the period and in the manner specified in the notice, any document, whether in a physical form or in an electronic form; or</p> <p>(c) make copies of documents and present the copies made to the Commission within the period and in the manner specified in the notice.</p> <p>(3) The Commission shall allow the person so directed under subsection (2) of this section</p>	<p>aspect of the Nigerian postal market.</p> <p>(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:</p> <p>(a) rate fixing;</p> <p>(b) market sharing;</p> <p>(c) boycott of another competitor;</p> <p>(d) boycott of a supplier of apparatus or equipment; or</p> <p>(e) boycott of any other licensee.</p> <p>(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.</p> <p>(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:</p> <p>(a) first offender, by a fine not exceeding Two Million Naira;</p> <p>(b) second time offender, by a fine not</p>
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	<p>section reasonable time to give and to produce any information or documents specified in the notice.</p> <p>(4) Any person who is subject to this Bill and who is required to provide information under subsection (2) of this section shall ensure that the information provided is true, accurate and complete and such person shall provide a representation to that effect, including a representation that he is not aware of any other information which would make the information provided untrue or misleading.</p>	<p>reasonable time to give and to produce any information or documents specified in the notice.</p> <p>(4) Any person who is required to provide information under subsection (2) of this section shall ensure that the information provided is true, accurate and complete and such person shall provide a representation to that effect, including a representation that he is not aware of any other information which would make the information provided untrue or misleading.</p>	<p>exceeding Ten percent of the annual turnover of the Licensee; and</p> <p>(c) third time offender, by the revocation of the relevant license.</p> <p>(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.</p> <p>(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.</p>	
55	<p>52. (1) Notwithstanding the provisions of section 40 of this Bill, a person who fails to comply with a direction of the Commission under this Part shall be liable to the payment of a fine to the Commission in such amount as the Commission may at its discretion impose.</p> <p>(2) Notwithstanding the provisions of section 40 of this Bill and subsection (1) of this section, a person who or fails to disclose or omits to give any relevant information or evidence or document, or provides information or evidence or document that he knows or has reason to believe is false or misleading, in response</p>	<p>50. Non-compliance</p> <p>Notwithstanding the provisions of section 39 of this Act, a person who fails to comply with a direction under this Part or fails to disclose or omits to give any relevant information, evidence, document, or provides information, evidence, or document that he believes or has reason to believe is false or misleading, in response to a direction issued by the Commission commits an offence and is liable on conviction to a fine of not less than ₦100,000.00 or to imprisonment for a term not exceeding 1 year or to both fine and imprisonment.</p>	<p>PART XVII - TARIFF RATE REGULATION</p> <p>55. Approval of Tariffs and Charges by the Commission</p> <p>(1) Licensees 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.</p> <p>(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.</p> <p>(3)The Licensees referred to in subsection (1) of this section shall provide services at the tariff rates and charges as approved by</p>	

	to a direction issued by the Commission commits an offence and on conviction is liable to a fine not exceeding ₦100,000.00 or to imprisonment for a term not exceeding 1 year or to both fine and imprisonment.		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 subsidies 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.	
56	53. (1) A person who is subject to this Bill, if at any given time called upon in writing	51. Evidence of compliance (1) The Commission may, at any time require a person in writing to produce all such	56. Commission's Intervention in the Setting of Tariff Rates Notwithstanding the provisions of this Bill, the	

	<p>by the Commission to do so, produce to the Commission all such evidence and provide all such information as the person may have relating to his compliance with any of the provisions of this Bill or its subsidiary legislation, as the Commission may generally, or in relation to any particular case, require.</p> <p>(2) The Commission may take, and retain for as long as is necessary, possession of a document produced under this Chapter and the person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Commission to be a true copy.</p> <p>(3) Notwithstanding the provisions of any other written law, all courts or tribunals shall receive the certified copy as evidence as if it were the original.</p> <p>(4) Until a certified copy is supplied, the Commission shall, at such times and places as the Commission thinks appropriate, permit the person entitled to possession of the document, or a person authorized by that person, to inspect and make copies of, or take extracts from the document.</p>	<p>evidence and information relating to his compliance with any of the provisions of this Act or regulations made under this Act, as the Commission may generally, or in relation to any particular case, require evidence of compliance.</p> <p>(2) The Commission may take, and retain for as long as is necessary, possession of a document produced under this section and the person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Commission to be a true copy.</p> <p>(3) Notwithstanding the provisions of any other law, a court or tribunal may receive the certified copy as evidence as if it were the original.</p> <p>(4) Until a certified copy is supplied, the Commission shall, at such times and places as the Commission deems appropriate, permit the person entitled to possession of the document, or a person authorized by that person, to inspect and make copies of, or take extracts from the document.</p>	<p>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.</p>	
57	<p>54. (1) The Commission shall maintain a record of all information, evidence or documents received pursuant to the</p>	<p>52. Record and publication of information (1) The Commission shall maintain a record of all information, evidence or documents received pursuant to the directions given</p>	<p>57. Penalty for Operating Unapproved Tariff, Charges etc. Notwithstanding any other provision of this Bill, the Commission shall prescribe and</p>	

	<p>directions given under section 55 of this Bill.</p> <p>(2) The Commission may publish information received in the course of exercising its powers and functions under this Chapter, if it is satisfied that the publication is consistent with the objects of this Bill provided that the Commission shall consider the commercial interests of the parties to whom the information relates before publishing the information.</p>	<p>under section 49 of this Act.</p> <p>(2) The Commission may publish information received in the course of exercising its powers and functions under this Part, if it is satisfied that the publication is consistent with the objectives of this Act provided that the Commission shall consider the commercial interests of the parties to whom the information relates before publishing the information.</p>	<p>enforce appropriate financial penalties upon any licensee that exceeds the tariff rates duly approved by the Commission for the provision of its services.</p>	
			PART XVIII - OFFENCES	
58	<p>PART 13 - REGISTER</p> <p>55. (1) The Commission shall maintain a register, in both physical form and electronic media, of all matters that are required to be registered under this Act and its subsidiary legislation.</p> <p>(2) The Commission may, at its discretion, summarize the contents of a material for inclusion in the register and exclude there from aspects of the material if it considers such exclusion necessary and justified on grounds of public interest or safety, amongst others.</p> <p>(3) In addition, the Commission shall maintain a separate register containing:</p> <p>(a) all licences issued under this Bill;</p> <p>(b) any special or additional conditions specified in a license;</p>	<p>PART XIV - REGISTER</p> <p>53. Register</p> <p>(1) The Commission shall maintain a register, in both physical and electronic forms of all matters that are required to be registered under this Act and regulations made under this Act.</p> <p>(2) The Commission may, at its discretion, summarize the contents of a material for inclusion in the register and exclude there from aspects of the material if it considers such exclusion necessary on justifiable grounds, including grounds of public interest or safety.</p> <p>(3) In addition, the Commission shall maintain a separate register containing any:</p> <p>(a) special or additional conditions specified in a license;</p> <p>(b) written notice varying, revoking or imposing</p>	<p>58. Offences Relating to Licenses</p> <p>(1) Subject to such exemptions as are contained in this Bill, or as may be determined by the Commission from time to time, a person who operates a postal service:</p> <p>(a) without a licence issued under this Bill;</p> <p>(b) outside the terms and conditions of the licence; or</p> <p>(c) in contravention of the provisions of this Bill or regulation made pursuant to this Bill; commits an offence.</p> <p>(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.</p>	

	<p>(c) any written notice varying, revoking or imposing any special or additional conditions specified in the license;</p> <p>(d) any written notice by the licensee surrendering his license;</p> <p>(e) any written notice by the Commission suspending or cancelling the license; and</p> <p>(f) any written notice approving the transfer of license.</p>	<p>any special or additional conditions specified in a license;</p> <p>(c) written notice by the licensee surrendering his license;</p> <p>(d) written notice by a Commission suspending or cancelling a license; and</p> <p>(e) written notice approving the transfer of a license.</p>		
			XIX - LEGAL ACTIONS AGAINST THE COMMISSION	
59	<p>56. (1) A person may, on payment of a charge, if any, to be decided by the Commission:</p> <p>(a) inspect the register;</p> <p>(b) make a copy of; or</p> <p>(c) take extracts from, the register.</p> <p>(2) If a person requests that a copy of a register be provided in an electronic media, the Commission may provide the relevant information:</p> <p>(a) on a data processing device; or</p> <p>(b) by way of electronic transmission.</p> <p>(3) The Commission shall from time to time publish guidelines in regard to its various registers giving details of the</p>	<p>54. Access to Register by the public</p> <p>(1) Members of the public at all reasonable times and places shall have access to the register to inspect and make a copy of, or take extracts there from at their own cost and expense.</p> <p>(2) Where a person requests that a copy of a register be provided in an electronic form, the Commission may provide the relevant information:</p> <p>(a) on a data-processing device; or</p> <p>(b) by way of electronic transmission.</p> <p>(3) The Commission shall, from time to time, publish guidelines in respect of its various registers giving details of the registers and indicating such matters including access processes and procedures for members of the</p>	<p>59. Limitation of Suits against the Commission</p> <p>(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.</p> <p>(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 of any public duty or authority in respect of 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:</p> <p>(a) within three months after the act, neglect</p>	

	registers and indicating, among others, access processes and procedures for members of the public.	public.	<p>or default complained of; or</p> <p>(b) in the case of continuation of damage or injury, within six months next after the ceasing thereof.</p> <p>(3) No suit shall be commenced against a member of the Commission, the Secretary or any official employee of the Commission before the expiration of a period of 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.</p> <p>(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.</p>	
60	<p>PART 14 - REGULATIONS, GUIDELINES, ETC.</p> <p>57. (1) The Commission may make and publish regulations for all or any of the following issues -</p> <p>(a) written authorizations, permits, assignments and licenses granted or issued under this Bill;</p> <p>(b) any fees, charges, rates or fines to be imposed pursuant to or under this Bill or its subsidiary legislation;</p>	<p>PART XV - REGULATIONS, GUIDELINES BY COMMISSION</p> <p>55. Regulations, Guidelines etc. by the Commission:</p> <p>(1) The Commission may issue and publish regulations covering all or any of the following matters -</p> <p>(a) written authorizations, permits, assignments and licenses granted or issued under this Act;</p> <p>(b) fees, charges, rates or fines to be imposed under this Act or regulations issued pursuant to this Act;</p>	<p>60. Service of Court Processes on the Commission</p> <p>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 by registered post addressed to the Director General of the Commission at the principal office of the Commission.</p>	

	<p>(c) a system of universal service provision under Part, including quality of service standards;</p> <p>(d) postal and related offences and penalties;</p> <p>(e) any matter for which this Bill makes express provision; and</p> <p>(f) such other matters as are necessary for giving full effect to the provisions of this Bill and for their due administration.</p> <p>(2) The Commission may also 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.</p>	<p>(c) quality of service;</p> <p>(d) postal related offences and penalties;</p> <p>(e) any matter for which this Act makes express provision; and</p> <p>(f) such other matters as are necessary for giving full effect to the provisions of this Act and for their due administration.</p> <p>(2) The Commission may also make and publish guidelines on any matter for which this Act makes express provision and such other matters as are necessary for giving full effect to the provisions of this Act and for their due administration.</p>		
61	<p>58. (1) The Commission shall, prior to making any regulation under this Bill, conduct an inquiry in the manner specified in this Bill on the subject matter of the proposed regulation.</p> <p>(2) The Commission shall, in making the regulation, take into consideration the findings of the inquiry referred to in subsection (1) of this section.</p> <p>(3) The Commission may prior to making any guideline, at its discretion, conduct an inquiry in the manner specified under this</p>	<p>56. Rule Making Process</p> <p>(1) The Commission shall, prior to making any regulation under this Act, conduct an inquiry in the manner specified in Part 11 of this Act on the subject matter of the proposed regulation.</p> <p>(2) The Commission shall, in making the regulation, take into consideration the findings of the inquiry referred to in subsection (1) of this section.</p> <p>(3) The Commission may prior to making any guideline, at its discretion, conduct an inquiry in the manner specified in Part 11 of this Act</p>	<p>61. Restriction on Execution against the Commission's Property</p> <p>(1) In any action against the Commission, no execution or attachment of any nature thereof shall be issued against the Commission unless at least three months' notice of the intention to execute or attach the Commission's property has been given to the Commission.</p> <p>(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.</p>	

	Bill on the subject matter of the proposed guideline and if the Commission considers it necessary to hold such an inquiry, it shall in making the guideline take into consideration the findings of the inquiry.	on the subject matter of the proposed guideline and if the Commission considers it necessary to hold such an inquiry, it shall in making the guideline take into consideration the findings of the inquiry.		
62	<p>59. (1) Subject to subsection (2) of this section, the Commission may review, as it deems necessary, rules, guidelines and regulations made under this Bill that are in effect at the time of the review and may in the process modify or vary, or repeal any such rules or regulations:</p> <p>(a) which are no longer necessary in the national interest;</p> <p>(b) which are no longer necessary to ensure the objects of this Bill or subsidiary legislation or guideline; or</p> <p>(c) for any other reason that the Commission thinks fit.</p> <p>(2) The provisions of section 67 of this Bill shall apply mutatis mutandis in respect of any modification, variation or revocation of a regulation or guideline.</p>	<p>57. Regulatory Review.</p> <p>(1) Subject to the provision of subsection (2) of this section, the Commission may review, as it deems necessary, rules, guidelines or regulations made under this Act that are in force at the time of the review and may in the process modify or vary, or repeal any such rules or regulations:</p> <p>(a) which are no longer necessary in the national interest;</p> <p>(b) which are no longer necessary to achieve the objectives of this Act or regulations issued pursuant to this Act; or</p> <p>(c) for any other reason that the Commission deems fit.</p> <p>(2) The provisions of section 56 of this Act shall apply in relation to any review of a regulation or guideline.</p>	<p>62. Indemnity of the Commission's Officials</p> <p>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.</p>	
			PART XX - RESPONSIBILITIES OF THE MINISTER	
63	<p>PART 15 - NOTIFICATION AND RESOLUTION OF DISPUTES</p> <p>60. The Commission shall have powers to resolve disputes between persons who are subject to this Bill ("the parties") regarding</p>	<p>PART XVI - NOTIFICATION AND RESOLUTION OF DISPUTES</p> <p>58. Power to Resolve Disputes</p> <p>The Commission shall have powers to resolve disputes between persons ("the parties") arising from the interpretation and application</p>	<p>63. Responsibilities of the Minister</p> <p>The Minister shall:</p> <p>(a) formulate, determine and monitor the general policy of the postal sector in Nigeria to ensure, amongst other things, the</p>	

	any matter under this Bill or its subsidiary legislation.	of the provisions of this Act and regulations made pursuant to this Act.	<p>utilization of the sector as a platform for the economic and social development of Nigeria;</p> <p>(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;</p> <p>(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;</p> <p>(d) establish the broad policy framework for universal service with respect to basic and advanced postal services;</p> <p>(e) formulate and review broad structural and institutional frameworks for the postal industry;</p> <p>(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</p> <p>(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</p>	
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			application by postal sector operators to the appropriate authorities from inspection by law enforcement agencies, state and local Government operators.	
			PART XXI - ESTABLISHMENT OF THE UNIVERSAL POSTAL SERVICE FUND AND UNIVERSAL POSTAL SERVICE FUND BOARD	
64	<p>61. (1) an attempt shall first be made by the parties to resolve any dispute between them through negotiation before the involvement of the Commission.</p> <p>(2) If one of the parties to the dispute has provided an undertaking that is relevant to the subject matter of the dispute and the Commission in accordance with the provisions of this Bill, and has registered the undertaking, the parties may adopt the conditions of the undertaking for the purposes of resolving the dispute.</p>	<p>59. Preliminary Action on Dispute Resolution by Parties</p> <p>(1) Parties shall endeavour to resolve any dispute or controversy arising from the provisions of the Act through negotiation before involving the Commission.</p> <p>(2) Where one of the parties to a dispute has provided an undertaking that is relevant to the subject matter of the dispute and the Commission in accordance with Part 14 of this Act has registered the undertaking, the parties may adopt the conditions of the undertaking for the purposes of resolving the dispute.</p>	<p>64. Universal Postal Service Fund</p> <p>(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.</p> <p>(2) The UPS Fund established pursuant to subsection (1) of this section shall consist of –</p> <p>(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;</p> <p>(b) contributions from the Commission based on a portion of the annual levies paid to the Commission by the Licensees.</p> <p>(c) gifts, loans, aids and assistance from donor agencies; and</p> <p>(d) such other monies which may from time to time accrue to the UPS Fund.</p> <p>(3) The proceeds of the UPS Fund shall be</p>	

			<p>applied-</p> <p>(a) to the payment of compensation and incentives to the public postal operator;</p> <p>(b) to the cost of administration of the UPS Fund Board; and</p> <p>(c) for the deployment of Postal Services to the unserved and undeserved areas by the Public Postal operator.</p>	
65	<p>62. Notification of Disputes</p> <p>(1) A party to a dispute may, in writing, notify the Commission of the dispute and the Commission may only resolve a dispute under this Part if it is notified in writing of the dispute and requested by either or both parties to intervene in the dispute.</p> <p>(2) The Commission may publish guidelines setting out the principles and procedures that it may take into account in resolving disputes or a class of disputes under this Part.</p> <p>(3) The Commission shall, upon receipt of the notification of the dispute referred to in subsection (1) of this section, as soon as practicable, convene to decide the dispute.</p> <p>(4) The Commission shall convene to decide a dispute if it is satisfied that:</p> <p>(a) an agreement shall not be reached, or</p>	<p>60. Notification of Disputes</p> <p>(1) A party to a dispute may, in writing, notify the Commission of the dispute and the Commission may only resolve a dispute under this Part if it is notified in writing of the dispute and requested by either or both parties to intervene in the dispute.</p> <p>(2) The Commission shall, upon receipt of the notification of the dispute referred to in subsection (1) of this section, as soon as practicable, convene to resolve the dispute.</p> <p>(3) The Commission shall convene to resolve a dispute if it is satisfied that:</p> <p>(a) an agreement cannot be reached, or will not be reached within a reasonable time;</p> <p>(b) The notification of the dispute is not trivial, frivolous or vexatious; and</p>	<p>65. Establishment of the Universal Postal Service Fund Board</p> <p>(1) There is established for the UPS Fund, a Board (in this Bill referred to as "the UPS Fund Board").</p> <p>(2) The UPS Fund Board established under subsection (1) of this section shall:</p> <p>(a) supervise and provide broad policy direction for the management of the UPS Fund;</p> <p>(b) apply the fund to the provision of compensation and incentives for the universal postal service provider where such services are not commercially viable;</p> <p>(c) make appropriate recommendations to the Federal Government and its Agencies on Universal Service Development Policy.</p> <p>(3) The UPS Fund Board shall be constituted by the President on the recommendation of the Minister subject to confirmation by the</p>	

	<p>will not be reached within a reasonable time;</p> <p>(b) the notification of the dispute is not trivial, frivolous or vexatious; and</p> <p>(c) the resolution of the dispute would promote the objects of this Bill or its subsidiary legislation.</p>	<p>(c) the resolution of the dispute would promote the objects of this Act or regulations made under this Act.</p>	Senate.	
66	<p>63. (1) Subject to the objects of this Bill and any guidelines issued by the Commission under this Part, the Commission may resolve the dispute in such manner including but not limited to Alternative Dispute Resolution processes and upon such terms and conditions as it may deem fit.</p> <p>(2) The Commission, in carrying out its functions under subsection (1) of this section, shall be guided by the objective of establishing a sustained dispute resolution process that is fair, just, economical and effective and that shall not be bound by technicalities, legal form or rules of evidence and that shall at all times act according to the ethics of justice and the merits of each case.</p> <p>(3) The terms and conditions of any resolution of a dispute by the Commission under this Part shall be accompanied with reasons and be in writing and the Commission shall provide to the dispute</p>	<p>61. Mode of Resolution of Dispute by the Commission</p> <p>(1) Subject to the provisions of this Act and regulations or guidelines issued by the Commission under this Part, the Commission may resolve any dispute in such manner including the adoption of any of the Alternative Dispute Resolution methods and upon such terms and conditions as it may deem fit.</p> <p>(2) The Commission, in carrying out its functions under subsection (1) of this section shall be guided by the objective of establishing a sustained dispute resolution process that is fair, just, economical and effective.</p> <p>(3) In the resolution of disputes under this Part, the Commission shall not be bound by technicalities, legal form or rules of evidence and shall at all times act according to the ethics of justice and the merits of each case.</p>	<p>66. Membership of the UPS Fund Board</p> <p>(1) The UPS Fund Board shall consist of:</p> <p>(a) the Minister, who shall be the Chairman;</p> <p>(b) the Chairman of the Commission, who shall be the Vice Chairman;</p> <p>(c) the Director General of the Commission;</p> <p>(e) a representative of the Federal Ministry of Finance not below the directorate cadre;</p> <p>(f) a representative of the National Planning Commission not below the directorate cadre;</p> <p>(h) a representative of the private sector; and</p> <p>(i) the Chief Executive Officer of the Public Postal Operator.</p> <p>(2) A member of the UPS Fund Board shall be appointed –</p> <p>(a) for a term of 4 years and may be reappointed for another term of 4 years; and</p>	

	with the copy of its decision as soon as practicable.	(4) The record of proceedings and any decision taken to resolve a dispute by the Commission under this Part shall be in writing and the Commission shall provide the parties to the dispute with the records of the decision, including the reasons for arriving at the decision as soon as practicable.	(b) 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.	
67	<p>64. (1) The Commission shall register all decisions it makes under this Part, and in accordance with provisions of this Bill.</p> <p>(2) The register shall contain:</p> <p>(a) the names of the parties to the dispute;</p> <p>(b) a general description of the matter pertaining to the decision; and</p> <p>(c) the date of the decision, but not the terms and conditions of the decision.</p>	<p>62. Register of decisions</p> <p>(1) The Commission shall register all decisions reached under this Part, in accordance with Part 14 of this Act.</p> <p>(2) The register shall contain:</p> <p>(a) the names of the parties to the dispute;</p> <p>(b) a general description of the matter pertaining to the decision; and</p> <p>(c) the date and basis of the decision.</p>	<p>67. Proceeding of the UPS Fund Board</p> <p>(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.</p> <p>(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.</p> <p>(3)Decisions of the Committee established by the UPS Fund Board shall not be binding and valid until adopted and agreed upon by the UPS Fund Board.</p>	
68		<p>63. Publication of Guidelines for Dispute Resolution</p> <p>The Commission shall publish guidelines setting out the principles and procedures to be taken into account in resolving disputes or a</p>	<p>68. Secretariat of the Universal Postal Service Fund:</p> <p>(1) There shall be for the UPS Fund a Secretariat responsible for the day to day administration of the UPS Fund established</p>	

		<p>class of disputes under this Part.</p>	<p>pursuant to Section 42 of this Bill.</p> <p>(2) The functions of the Secretariat shall include-</p> <p>(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 or service;</p> <p>(b) enforcing standards for quality of service set by the Board in rural and underserved areas;</p> <p>(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;</p> <p>(d) liaising with UPS Fund Board and the Universal Service Fund Managers appointed pursuant to the provision of Section 69 of this Bill.</p> <p>(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.</p> <p>(4) The UPS Fund Board shall ensure that the Secretariat is staffed with suitably qualified and experienced personnel.</p>	
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69	<p>65. (1) The decision of the Commission shall be binding on the parties and the Commission may direct a party to a dispute to abide by the decision of the Commission in that dispute.</p> <p>(2) A decision made by the Commission under this Part may be enforced by the Court as if the decision is a judgment of such Court provided that the Commission has issued a certificate to the complainant for leave to proceed to the Court for the enforcement of the decision.</p> <p>(3) No certificate under subsection (2) of this section is required if an action is taken by the Commission under this section.</p>	<p>64. Enforcement of Decisions</p> <p>(1) The decision of the Commission shall be binding on the parties.</p> <p>(2) A decision made by the Commission under this Part may be registered in court and enforce by the court as if the decision is a judgment of such court provided that the Commission has issued a certificate to a party for leave to proceed to the court for the enforcement of the decision.</p>	<p>69. Universal Postal Service Fund Managers</p> <p>(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:</p> <p>(a) maintain the UPS Fund financial accounts and records;</p> <p>(b) estimate the amount needed annually to sustain the rate of network expansion determined by the Commission as appropriate to meet policy objectives;</p> <p>(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;</p> <p>(d) disburse monies upon approval by the UPS Fund Board;</p> <p>(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;</p> <p>(f) regularly reporting on financial performance of the Fund to the UPS Fund</p>	
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			Board; (2) The UPS Fund Board shall determine the terms of engagement and the remuneration package for the UPS Fund Managers.	
70	<p>PART 16 – REGISTRATION OF AGREEMENTS</p> <p>66. (1) A party to a written agreement who is subject to this Bill shall apply to the Commission for the registration of the Agreement, if this Bill or its subsidiary legislation requires such registration.</p> <p>(2) The Commission shall register the written agreement if the Commission is satisfied at the agreement is consistent with:</p> <p>(a) the objects of this Bill;</p> <p>(b) any relevant instrument under this Bill; and</p> <p>(c) any relevant provisions of this Bill or its subsidiary legislation.</p> <p>(3) Any person who defaults in registering an agreement within the time authorized by this Bill or if no such time is stipulated, within thirty days of the execution of the agreement, shall be liable to pay the amount specified by the Commission for such default until compliance.</p>	<p>PART XVII - AGREEMENTS AND UNDERTAKINGS</p> <p>65. Registration of Agreements</p> <p>(1) A party to a written agreement made pursuant to this Act shall apply to the Commission for the registration of the agreement, where this Act or regulations made pursuant to this Act requires such registration.</p> <p>(2) The Commission shall register the written agreement where the Commission is satisfied that the agreement is consistent with:</p> <p>(a) the objects of this Act;</p> <p>(b) any regulation or instrument made under this Act; and</p> <p>(c) any relevant provisions of this Act.</p> <p>(3) A person who fails to register an agreement within the time authorized by this Act or if no such time is stipulated, within 30 days of the execution of the agreement shall be liable to pay the amount specified by the Commission by regulations for such defaults until compliance.</p>	<p>70. Regulations on contributions to the UPS Fund</p> <p>The UPS Fund Board may make regulations on the contributions to be made by licensees under this Bill to the UPS Fund and any other matter related to or incidental to the UPS Fund and operation of the UPS Fund.</p>	

		<p>(4) The Commission shall maintain a register of all agreements required to be registered under this Act in accordance with Part XIV of this Act.</p> <p>(5) The register shall contain:</p> <p>(a) the names of the parties to the agreement;</p> <p>(b) a general description of the matter pertaining to the agreement; and</p> <p>(c) the date of the agreement, but not the terms and conditions of the agreement.</p>		
			PART XXII- MISCELLANEOUS	
71	<p>67. (1) The Commission shall maintain a register of all agreements required to be registered under this Bill, in accordance with this Part.</p> <p>(2) The register shall contain:</p> <p>(a) the names of the parties to the agreement;</p> <p>(b) a general description of the matter pertaining to the agreement; and</p> <p>(c) the date of the agreement, but not the terms and conditions of the agreement.</p>		<p>71.Repeal of CAP N127 LFN 2004</p> <p>(1) The Nigerian Postal Service Act, Cap N127 Laws of the Federation of Nigeria, 2004 is hereby repealed.</p> <p>(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.</p> <p>(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.</p>	

72	<p>PART 17 - UNDERTAKINGS</p> <p>68. (1) A person may provide an undertaking to the Commission regarding any matter for which this Bill makes express provision.</p> <p>(2) An undertaking provided by a person under subsection (1) shall set out the terms and conditions of the undertaking and may include the effective date of the undertaking and the date of its expiry.</p>	<p>66. Undertakings</p> <p>(1) A person may provide an undertaking to the Commission regarding any matter for which this Act makes express provision for the furnishing of such undertaking.</p> <p>(2) An undertaking provided by a person under subsection (1) of this section shall set out the terms and conditions of the undertaking and may include the effective date of the undertaking and the date of its expiry.</p>	<p>72. Interpretation</p> <p>In this Bill:</p> <p>"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;</p> <p>"Agreement" means an agreement, whether formal or informal, oral or written, express or implied;</p> <p>"interception" means interception by the Commission or Postal Operator permitted under this Bill;</p> <p>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;</p> <p>"Commission" means the Nigerian Postal Commission established under section 26 of this Bill;</p> <p>"consumer" means any person who uses a postal service;</p> <p>"courier service" means door-to-door, time-sensitive and secured service;</p> <p>"Licensee" means a person who holds a licence granted under this Bill;</p>	
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			<p>"Minister" means the Minister for the time being charged with the responsibility for postal services;</p> <p>"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;</p> <p>"President" means the President of the Federal Republic of Nigeria;</p> <p>"Reserved Postal Service" means postal services within the exclusive power of the public postal operator under section 11 of this Bill;</p> <p>"Service" except where the context otherwise requires, means applications, content, network or facilities services or any combination of these services.</p> <p>"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;</p> <p>"equipment" means any equipment or apparatus used or intended to be used for postal purposes and that is part of or connected to or comprises postal system;</p> <p>"false pretense" has the meaning assigned to it under the Administration of Criminal</p>	
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			<p>Justice Act 2015;</p> <p>"fictitious or counterfeit postage 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 in any part of Nigeria;</p> <p>"intercept" means the rural or other acquisition of the contents of any postal article;</p> <p>"lawful authority" means the official procedure as it relates to dealing in postal services;</p> <p>"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;</p> <p>"license" means an authorization granted by the Commission to an operator for the provision of postal services;</p> <p>"logistic services" means services which include haulage, conveyance, dispatch or delivery of items or goods weighing not less than 50kg;</p> <p>'Mandatory Postal Services' means postal services that are required to be provided by the Public Postal Operator under Section 13</p>	
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			<p>of this Bill;</p> <p>"Ministry" means the Federal Ministry for the time being charged with the responsibility of postal services;</p> <p>"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;</p> <p>"operator" means a person that operates postal services or a postal services provider in accordance with this Bill;</p> <p>"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 its subsidiary legislation, it shall be sufficient if in the case of:</p> <p>(a) corporate body, it is represented by its competent officer; and</p> <p>(b) partnership, it is represented by a partner in the partnership or a competent employee of the partnership;</p> <p>"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</p>	
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			<p>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, bank notes, etc at the prevailing minimum postage rates;</p> <p>"stamping protocol" means the entire process of implementing and enforcing the denoting of receipts, documents, instruments, forms, deeds, agreements, and relevant written documents with an adhesive postage stamp or electronic 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;</p> <p>"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;</p> <p>"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;</p> <p>"postal matter" includes a letter, stamp,</p>	
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			<p>postal order, money order, mail bag, seal or any other postal item;</p> <p>"PPP" means Public Private Partnership;</p> <p>"Private Postal Operator" means any postal operator other than the Public Postal Operator;</p> <p>"Public Postal Operator" means the Nigeria Postal Service designated for the provision of universal service under Section 2(1) of this Bill;</p> <p>"Transactions" means delivery of goods, including parcels, documents, merchandise and cargo;</p> <p>"UPS Fund Board" means the Board established under section 65 of this Bill;</p> <p>"UPS Fund" means Universal Postal Service Fund;</p> <p>"UPU" means the Universal Postal Union;</p> <p>"Unlicensed Postal Operator" means a person who operates a postal service without being licensed under this Bill.</p>	
73	<p>69. (1) Subject to section 68 of this Bill, all undertakings given by any person to the Commission in any circumstance whatsoever shall be deemed as duly registered and shall remain valid and</p>	<p>67. Registration of Undertakings.</p> <p>(1) Undertakings given by any person to the Commission in accordance with the requirements of this Act shall be deemed as duly registered and shall remain valid and enforceable at all times.</p>	<p>73. Short title</p> <p>This Bill may be cited as the Nigeria Postal Services Bill, 2018.</p>	

	<p>enforceable at all times.</p> <p>(2) The Commission shall maintain a register of all existing undertakings, in accordance with the provisions of this Bill.</p>	<p>(2) The Commission shall maintain a register of all existing undertakings, in accordance with Part IX of this Act.</p>		
74	<p>70. (1) The Commission may make and publish rules in respect of undertakings and the rules shall bind the party making the undertakings and all other persons relying on such undertakings as if they were respectively signed by each person and contained agreements on the part of each person for himself and for his successors to observe all the provisions of the rules.</p> <p>(2) The Commission may direct a person referred to in subsection (1) of this section to comply with the rules made under subsection (1) of this section and any registered undertaking issued under this Part.</p>	<p>68. Rules of Undertakings</p> <p>(1) The Commission may make and publish rules in respect of undertakings and the rules shall bind the party making the undertakings and all other persons relying on such undertakings as if they were respectively signed by each person and contained agreements on the part of each person for himself and for his successors to observe all the provisions of the rules.</p> <p>(2) The Commission may direct a person referred to in subsection (1) of this section to comply with the rules made under subsection (1) of this section and any registered undertaking issued under this part.</p>	<p>FIRST SCHEDULE Section 3(4) SUPPLEMENTARY PROVISIONS RELATING TO THE PUBLIC POSTAL OPERATOR</p> <p>1. PROCEEDINGS OF THE BOARD OF THE PUBLIC POSTAL OPERATOR</p> <p>(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 four times in a year.</p> <p>(2) The chairman may, at any time and shall, at the request in writing of not less than five members summon a meeting of the Board.</p> <p>(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.</p> <p>(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.</p> <p>(5) Four members of the Board shall form a quorum at any meeting of the Board.</p> <p>(6) The chairman shall preside at all meetings of the Board and in the absence of the</p>	

			<p>Chairman; the alternate Chairman shall preside at that meeting.</p> <p>(7) The chairman shall at any meeting, have a vote and in the case of an equality of votes, may exercise a casting vote.</p> <p>(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 production for inspection of such minutes.</p> <p>2. Committees</p> <p>(1) The Board may appoint one or more committees to advise it on the exercise and performance of its functions under this Bill.</p> <p>(2) Every committee shall consist of-</p> <p>(a) a chairman, who shall be appointed by the Board from among the members of the Board;</p> <p>(b) not more than 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.</p> <p>(3) In this paragraph, "chairman" means the chairman of a committee.</p> <p>3. Miscellaneous</p> <p>(1) Any contract or instrument which, if entered into or executed by a person not being a body</p>	
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			<p>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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>(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.</p>	
75	71. A person providing an undertaking may apply to withdraw the undertaking at any time by notifying the Commission in	<p>69. Withdrawal of Undertakings</p> <p>A person providing an undertaking may apply to withdraw the undertaking at any time by notifying the Commission in writing and the</p>	<p>SECOND SCHEDULE</p> <p>Section 27(5)</p> <p>SUPPLEMENTARY PROVISIONS</p> <p>RELATING TO THE COMMISSION</p>	

	<p>writing and the undertaking shall only be withdrawn upon such terms and subject to such conditions as the Commission may specify.</p>	<p>undertaking shall only be withdrawn upon such terms and subject to such conditions as the Commission may specify.</p>	<p>1. Proceedings of the Commission</p> <p>1. Subject to the provisions of this Bill, the Board may make standing orders regulating its proceedings or that of any of its Committees.</p> <p>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.</p> <p>3. The quorum for any meeting of the Board shall be a simple majority of the members for the meantime constituting the Board.</p> <p>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.</p> <p>5. A member of the Board who directly or indirectly has an interest of a personal nature</p>	
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			<p>(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.</p> <p>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:</p> <p>(a) shall not, after the disclosure, take part in any deliberation or decision of the Board or vote on the matter; and</p> <p>(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.</p> <p>Committees</p> <p>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.</p> <p>(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</p>	
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			<p>member as a Committee member shall be subject to such terms and conditions as the Board may determine.</p> <p>(3) The quorum of any Committee set up by the Board shall be as may be determined from time to time by the Board.</p> <p>(4) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.</p> <p>Miscellaneous</p> <p>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.</p> <p>(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.</p> <p>(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.</p>	
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			<p>(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:</p> <p>(a) any vacancy in the membership of the Board or Committee;</p> <p>(b) any defect in the appointment of a member of the Board or Committee; or</p> <p>(c) reason that any person not entitled to do so took part in the proceedings of the Board or Committee.</p> <p>(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.</p>	
76	<p>72. The Commission or a directly affected person may apply to a court for the enforcement of an undertaking against the person providing the undertaking if an undertaking has not been complied with.</p>	<p>70. Enforcement of Undertakings The Commission or a directly affected person may apply to a court for the enforcement of an undertaking against the person providing the undertaking if an undertaking has not been complied with.</p>	<p>THIRD SCHEDULE Sections 27(8)</p> <p>CONFLICT OF INTEREST</p> <p>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.</p> <p>2. Subject to paragraphs 3 and 4 of this Schedule, a member of the Board or staff of the Commission shall on an annual basis present a written declaration affirming the</p>	

			<p>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.</p> <p>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 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.</p> <p>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 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.</p> <p>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:</p> <p>(a) knowingly has; or</p> <p>(b) knows any member of his immediate family to have in any aspect of the Nigerian</p>	
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			<p>postal industry.</p> <p>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 or imprisonment not exceeding 1 year or both.</p> <p>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 to 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.</p> <p>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:</p> <p>(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;</p> <p>(b) the extent to which the Commission regulates and oversees the activity of such company or entity;</p>	
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			<p>(c) the degree to which the economic interests of such company or other entity may be affected by an action of the Commission; and</p> <p>(d) the perceptions held or likely to be held by the public regarding the relevant holding or interest and issues at stake.</p> <p>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.</p> <p>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.</p> <p>11. For the purposes of this Schedule:</p> <p>(a) "Company" includes partnerships;</p> <p>(b) "Immediate family" means a person's spouse and children who are under the age of 18 years.</p>	
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77	<p>PART 18 - REVIEW OF DECISIONS</p> <p>73. (1) A person 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 of the Commission under this Bill or its subsidiary legislation ("aggrieved person") may request in writing to the Commission for a statement of the reasons for the decision.</p> <p>(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 arriving at the decision.</p> <p>(3) The Commission is not required to publish, or to disclose to an aggrieved person, a statement of reasons or a part of a statement of reasons or part of a statement of reasons if the publication or disclosure would:</p> <p>(a) disclose a matter that is, in the opinion of the Commission, of a confidential character;</p> <p>(b) be likely to prejudice the fair trial of a person; or</p> <p>(c) involve the unreasonable disclosure of personal information about any individual (including a deceased person).</p> <p>(4) In this Chapter, "decision" includes any action, order, report, direction.</p>	<p>PART XVIII - REVIEW OF DECISIONS</p> <p>71. Reasons for Decisions</p> <p>(1) A person 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 of the Commission under this Act or regulations made under this Act may make a request in writing to the Commission for a statement of the reasons for the decision.</p> <p>(2) The Commission shall, upon the receipt of a 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 arriving at the decision.</p> <p>(3) The Commission is not required to publish or to disclose to an aggrieved person a statement of reasons or a part of a statement of reasons where the publication or disclosure is likely to:</p> <p>(a) reveal a matter that is, in the opinion of the Commission, of a confidential character;</p> <p>(b) prejudice the fair trial of a person; or</p> <p>(c) involve the unreasonable disclosure of personal information about any individual (including a deceased person).</p> <p>(4) in this Part, "decision" include any action, order, report or direction.</p>	<p>EXPLANATORY MEMORANDUM</p> <p>(This note does not form part of the above Bill but is intended to explain its purport)</p> <p>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.</p>	
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78	<p>74. (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 73 (2) of this Bill request the Commission in writing for a review of the Commission's decision and specify in the request the reasons and basis for the request.</p> <p>(2) Subject to subsection (4) of this section, upon the receipt of the aggrieved person's written submissions, the Commission shall meet to review its decision taking into consideration the submission of the aggrieved person under subsection (1) of this section.</p> <p>(3) The Commission may, in carrying out the review of its decision under this Part, use and exercise any of the powers under this Part.</p> <p>(4) The Commission shall not later than 60 days from the date of receipt of the aggrieved person's written submission, conclude its review of the decision and inform the aggrieved person in writing of its final decision thereon and the reasons therefore.</p>	<p>72. Review of a Decision by the Commission</p> <p>(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 sub-section (2) of section 71 of this Act, request the Commission in writing for a review of the Commission's decision and specify in the request the reasons and basis for the request.</p> <p>(2) Upon the receipt of the aggrieved person's written request, the Commission shall meet to review its decision taking into consideration the submission of the aggrieved person under subsection (1) of this section.</p> <p>(3) The Commission may, in carrying out the review of its decision under this Part, use and exercise any of the powers conferred on it under the provisions of this Act.</p> <p>(4) The Commission shall not later than 60 days from the date of receipt of the aggrieved person's written submission, conclude its review of the decision and inform the aggrieved person in writing of its final decision on the matter and the reasons for its decision thereon.</p>	Deleted	
79	<p>75. (1) Subject to section 74 of this Bill and subsections (2) and (3) of this section, an</p>	<p>73. Judicial Review of a Decision</p> <p>(1) Subject to the provisions of subsections (2) and (3) of this section, an aggrieved person</p>	Deleted	

	<p>aggrieved person may appeal to the Court for a judicial review of the Commission's decision or other actions.</p> <p>(2) The decision or direction of the Commission that is the subject matter of an application for judicial review shall remain binding and valid until it is expressly reversed in a final judgment or order of the Court.</p> <p>(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 Bill.</p>	<p>may appeal to the Court for a judicial review of the Commission's decision or other actions.</p> <p>(2) The decision or direction of the Commission that is the subject matter of an application for judicial review shall remain binding and valid until it is expressly reversed in a final judgment or order of the court.</p> <p>(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.</p>		
80	<p>PART 19 - MONITORING AND REPORTING</p> <p>76. (1) The Commission shall monitor all significant matters relating to the performance of all licensees and publish annual reports thereon at the end of each financial year of the Commission.</p> <p>(2) In performing its functions under subsection (1) of this section, the Commission shall:</p> <p>(a) use any of its powers under this Chapter and in particular but without limitation, its powers of investigation and information-gathering; and</p> <p>(b) have regard to such industry performance indicators as the Commission considers appropriate.</p>	<p>PART XIX - MONITORING AND REPORTING</p> <p>74. Monitoring and Reporting</p> <p>(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 of the Commission.</p> <p>(2) In performing its functions under subsection (1) of this section, the Commission shall:</p> <p>(a) use any of its powers under this Act and in particular but without limitation, its powers of investigation and information-gathering contained in Parts XII and XIII of this Act.</p> <p>(b) have regard to the established industry performance indicators as the Commission considers appropriate.</p>	Deleted	

	<p>(3) Matters upon which the Commission shall monitor and report include but are not limited to the following:</p> <p>(a) the operation and administration of this Bill and its subsidiary legislation:</p> <p>(b) the efficiency in which licensees provide facilities and services;</p> <p>(c) the quality of services;</p> <p>(d) industry statistics generally, including but not limited to service provision, traffic patterns, industry operators, etc.;</p> <p>(e) the tariff rates and charges paid by consumers for services;</p> <p>(f) the development of industry self-regulation;</p> <p>(g) the adequacy and availability of services in all parts of Nigeria;</p> <p>(h) any deficiencies in the scope or operation of this Act and its subsidiary legislation; and</p> <p>(i) other matters that the Commission is satisfied are relevant.</p> <p>(4) The Commission shall publish the report, in a manner it deems appropriate, provided that it is made publicly available.</p>	<p>(3)Matters upon which the Commission shall monitor and report include:</p> <p>(a) the operation and administration of this Act and rules and regulations made under this Act:</p> <p>(b) the efficiency in which licensees provide facilities and services;</p> <p>(c) the quality of services;</p> <p>(d) industry statistics generally, including but not limited to the provision of services, traffic patterns, industry operators;</p> <p>(e) the tariff rate and charges paid by consumers for services;</p> <p>(f) the development of industry self-regulation;</p> <p>(g) the adequacy and availability of services in all parts of Nigeria;</p> <p>(h) any deficiencies in the scope or operation of this Act and regulations made under this Act;</p> <p>(i) other matters as deemed appropriate by the Commission.</p> <p>(4) The Commission shall publish report under this section in a manner it deems appropriate.</p>		
81	PART 20 - GENERAL COMPETITION	PART XX - GENERAL COMPETITION	Deleted	This clause is harmonized as

	<p>PRACTICE</p> <p>77. Notwithstanding the provisions of any other written law, the Commission shall have the exclusive competence 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 market.</p>	<p>PRACTICES</p> <p>75. Power of the Commission to Regulate Competition Practice in the Postal Sector</p> <p>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 market.</p>		<p>Clause 53 of the Committee Recommendation</p>
82	<p>78. (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 market.</p> <p>(2) The Commission may from time to time publish guidelines or regulation which clarify the meaning of "substantial lessening of competition" in the Nigerian postal market and such guidelines may include references to:</p> <p>(a) the relevant economic market;</p> <p>(b) global trends in the relevant market;</p> <p>(c) the impact of the conduct on the number of competitors in a market and their market shares;</p> <p>(d) the impact of the conduct on barriers to entry into the market;</p> <p>(e) the impact of the conduct on the range of services in the market:</p>	<p>76. Anti-Competition practices</p> <p>(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 market.</p> <p>(2) The Commission, may from time to time, publish guidelines or regulation clarifying the meaning of "substantial lessening of competition" in the Nigerian postal market and such guidelines may include references to:</p> <p>(a) The relevant economic market;</p> <p>(b) global trends in the relevant market;</p> <p>(c) the impact of the conduct on the number of competitors in a market and their market shares;</p> <p>(d) the impact of the conduct on barriers to entry into the market;</p> <p>(e) the impact of the conduct on the range of services in the market:</p>	Deleted	<p>This clause is harmonized as Clause 54 of the Committee Recommendation</p>

	<p>(f) the impact of the conduct on the cost and profit structures in the market; and</p> <p>(g) any other matters which the Commission is satisfied are relevant.</p> <p>(3) A licensee shall not enter into any understanding, agreement or arrangement, whether legally enforceable or not, which has the tendency of limiting competition and provides for:</p> <p>(a) rate fixing;</p> <p>(b) market sharing;</p> <p>(c) boycott of another competitor;</p> <p>(d) boycott of a supplier of apparatus or equipment; or</p> <p>(e) boycott of any other licensee.</p> <p>(4) A licensee shall not, at any time or in any circumstance, make it a condition for the provision or supply of a product or service in a postal market that the person acquiring such product or service in the postal market is also required to acquire or not to acquire any other product or service either from himself or from another person.</p> <p>(5) The Commission shall have the power:</p> <p>(a) to investigate and determine upon its own initiative or upon receipt of a</p>	<p>(f) the impact of the conduct on the cost and profit structures in the market; and</p> <p>(g) any other matters which the Commission is satisfied are relevant.</p> <p>(3) 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:</p> <p>(a) rate fixing;</p> <p>(b) market sharing;</p> <p>(c) boycott of another competitor;</p> <p>(d) boycott of a supplier of apparatus or equipment; or</p> <p>(e) boycott of any other licensee.</p> <p>(4) A licensee shall not, at any time or in any circumstance, make it a condition for the provision or supply of a product or service in a postal market that the person acquiring such product or service in the postal market is also required to acquire or not to acquire any other product or service either from himself or from another person.</p> <p>(5) The Commission shall have power to:</p> <p>(a) investigate and determine upon its own initiative or upon receipt of a complaint by any</p>		
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<p>complaint by any person, whether any licensee is engaged, has been engaged or is likely to engage in any anti-competitive activity; and</p> <p>(b) require and compel the disclosure of any information by any licensee.</p> <p>(6) 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 subject to section 40 of this Bill, have the power to issue a direction requiring such licensee to desist from such practices or methods of competition.</p> <p>(7) failure to comply with a direction issued pursuant to subsection (3) of this section shall constitute an offence punishable:</p> <p>(a) in the case of a first offender, by a fine not exceeding Twenty Million Naira;</p> <p>(b) in the case where it is a second time offender, by a fine not exceeding ten percent of the annual turnover of the Licensee; and</p> <p>(c) in the case of a third time offender, by the revocation of the relevant license.</p> <p>(8) A direction shall not be issued nor a penalty imposed if:</p> <p>(a) the licensee is able to demonstrate to the satisfaction of the Commission that it</p>	<p>person, whether any licensee is engaged, has been engaged or is likely to engage in any anti-competitive activity; and</p> <p>(b) require and compel the disclosure of any information by any licensee.</p> <p>(6) 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.</p> <p>(7) Failure to comply with a direction issued pursuant to subsection (3) of this section shall constitute an offence punishable in the case of a:</p> <p>(a) first offender, by a fine not exceeding Two Million Naira;</p> <p>(b) second time offender, by a fine not exceeding ten percent of the annual turnover of the Licensee; and</p> <p>(c) third time offender, by the revocation of the relevant license.</p> <p>(8) A direction shall not be issued nor a penalty imposed where the:</p> <p>(a) licensee is able to demonstrate to the satisfaction of the Commission that it has not</p>		
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	<p>has not engaged or has not been engaged or is not likely to be engaged in any competitive activity; or</p> <p>(b) the licensee has ceased the anti-competitive practice.</p> <p>(9) For the purpose 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.</p>	<p>engaged or has not been engaged or is not likely to be engaged in any anti- competitive activity; or</p> <p>(b) licensee has ceased the anti - competitive practice.</p> <p>(9) For the purpose of paragraph (b) of subsection 7 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.</p>		
83	<p>79. (1) The Commission may determine that a licensee is in a dominant position in any aspect of the Nigerian market.</p> <p>(2) The Commission may publish guidelines and regulations which clarify how it shall apply the test of "dominant position" to licensees.</p> <p>(3) The guidelines and regulations in subsection (2) of this section may specify the matters which the Commission may take into account, including:</p> <p>(a) the relevant economic market;</p> <p>(b) global technology and commercial trends affecting market power;</p> <p>(c) the market share of the licensee;</p> <p>(d) the licensee's power to make independent rate setting decisions;</p>	<p>77. Dominant Position</p> <p>(1) The Commission may determine that a licensee is in a dominant position in any aspect of the Nigerian market.</p> <p>(2) The Commission may publish guide lines and issue regulations providing clarifications on how the Commission shall apply the test of "dominant position" to licenses.</p> <p>(3) The guidelines and regulations referred to in subsection (2) of this section may specify the matters which the Commission may take into account including:</p> <p>(a) the relevant economic market;</p> <p>(b) global technology and commercial trends affecting market power;</p> <p>(c) the market share of the licensee;</p> <p>(d) the licensee's power to make independent rate setting decisions;</p>	Deleted	

	<p>(e) the degree of product or service differentiation and sales promotion in the market; and</p> <p>(f) any other matter which the Commission is satisfied are relevant.</p> <p>(4) The Commission may direct licensee in a dominant position in the postal market to cease a conduct in that market which has or may have the effect of substantially lessening competition in any postal market and to implement appropriate remedies.</p> <p>(5) Notwithstanding the provisions of this section, all appeals arising from the exercise of the powers of the Commission shall lie with the Competition Tribunal set up under the Federal Competition and Consumer Protection Act before any resort can be had to judicial review.</p>	<p>(e) the degree of product or service differentiation and sales promotion in the market; and</p> <p>(f) any other matter Which the Commission is satisfied are relevant.</p> <p>(4) The Commission may direct a licensee in a dominant position in the postal market to cease a conduct in that market which has or may have the effect of substantially lessening competition in any postal market and to implement appropriate remedies.</p>		
84		78. Notwithstanding the provisions of section 75 of this Act all appeals from disputes arising from the exercise of the Commission powers therein shall lie with the Competition Tribunal set up under the Federal Competition and Consumer Protection Act before any resort can be had to judicial review.	Deleted	
85	<p>PART 21 - TARIFF RATE REGULATION</p> <p>80. (1) Licensees shall not impose any tariff or charges for the provision of any service until the Commission has approved such tariff rates and charges except as otherwise provided in this Part.</p>	<p>PART XXI - TARIFF RATE REGULATION</p> <p>79. Approval of Tariffs and Charges by the Commission</p> <p>(1) Licensees shall not impose any tariff or charges for the provision of any service under this Act until the Commission has approved such tariff rates and charges except as</p>	Deleted	This clause is harmonized as Clause 55 of the Committee Recommendation

	<p>otherwise provided in this Part.</p> <p>(2) The Licensees specified 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.</p> <p>(3) The licensees referred to in subsection (1) of this section shall publish the tariff rates and charges for their services to their customers for their respective services and modifications thereto as may be approved from time to time by the Commission.</p> <p>(4) The tariff rates established by a licensee mentioned 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 guidelines or regulations including the following:</p> <p>(a) tariff rates shall be fair and for similarly situated persons, not discriminatory;</p> <p>(b) tariff rates shall be cost-oriented and, in general cross subsidies shall be eliminated;</p> <p>(c) tariff rates shall not contain discounts that unreasonably prejudice the competitive opportunities of other providers;</p>	<p>(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.</p> <p>(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.</p> <p>(4) The licensees referred to in subsection (1) of this section shall publish the tariff rates and charges for their services to their customers, including the modifications to such tariff and charges, as may be approved from time to time by the Commission.</p> <p>(5) 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.</p> <p>(6) The principles referred to in subsection (5) of this section include those requiring that:</p> <p>(a) tariff rates shall be fair and, for similarly</p>		
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	<p>(d) tariff rates shall be structured and levels set to attract investments in to the postal industry; and</p> <p>(e) tariff rates shall take account of the regulations and recommendations of the international organizations of which Nigeria is a member.</p>	<p>situated persons, not discriminatory;</p> <p>(b) tariff rates shall be cost-oriented and, in general, cross subsidies shall be eliminated;</p> <p>(c) tariff rate shall not contain discounts that unreasonably prejudice the competitive opportunities of other providers;</p> <p>(d) tariff rates shall be structured and levels set to attract investments in to the postal industry; and</p> <p>(e) tariff rates shall take account of the regulations and recommendations of the international organizations of which Nigeria is a member.</p>		
86	<p>81. 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 postal service provider for good cause or as the public interest may require.</p>	<p>80. Commission's Intervention in the Setting of Tariff Rates</p> <p>Notwithstanding the provisions of this Act, 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 Act as the public interest may require.</p>	Deleted	<p>This clause is harmonized as Clause 56 of the Committee Recommendation</p>
87	<p>82. (1) the Commission may from time to time make rules and regulations on determination and publication of tariff rates for respective services by licensee.</p>	<p>81. Tariff Rates, Rules and Regulations</p> <p>(1) The Commission may, from time to time, make rules and regulations on the determination and publication of tariff rates for respective services by licensee in accordance with the provision of subsection (1) of section 79 of this Act.</p>	Deleted	

	<p>(2) The regulations and rules which may be made by the Commission under subsection (1) of this section may include but are not limited to:</p> <p>(a) rules about the tariff rates and charges and variation of rates for specified or classes of services;</p> <p>(b) rules about the publication or disclosure of tariff rates for specified or classes of services; or</p> <p>(c) tariff rate models that may be applicable to specified licenses or classes of licenses or specified or classes of services.</p> <p>(3) tariffs for activities contemplated under this Bill shall be regulated according to one or more methodologies adopted by the Commission for regulating postal tariff and such tariff methodologies shall:</p> <p>(a) allow a licensee to efficiently recover the full cost of its business activities, including a reasonable return on the capital invested in the business;</p> <p>(b) provide incentives for the continued improvement of the technical and economic efficiency with which the service is provided;</p> <p>(c) provide incentives for the continued improvement of quality of services;</p>	<p>(2) The rules and regulations which may be made by the Commission under subsection (1) of this section may include but are not limited to:</p> <p>(a) rules pertaining to the tariff rates and charges and variation of rates for specified or classes of services;</p> <p>(b) rules pertaining to the publication or disclosure of tariff rates for specified or classes of services; or</p> <p>(c) tariff rate models that may be applicable to specified licenses or classes of licenses or specified or classes of services.</p> <p>(3) tariffs for activities under this Act shall be regulated according to one or more methodologies adopted by the Commission for regulating postal tariff and such tariff methodologies shall:</p> <p>(a) allow a licensee to efficiently recover the full cost of its business activities, including a reasonable return on the capital invested in the business;</p> <p>(b) provide incentives for the continued improvement of the technical and economic efficiency with which the services are provided;</p> <p>(c) provide incentives for the continued improvement of quality of services;</p>		
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	<p>(d) give the customer economically efficient signals regarding the cost that their consumption imposes on the licensees business;</p> <p>(e) avoid due determination between consumers and consumer categories; and</p> <p>(f) phase out or substantially reduce cross subsidies.</p>	<p>(d) give the customer economically efficient signals regarding the cost of their consumption on the licensee business;</p> <p>(e) avoid due determination between consumers and consumer categories; and</p> <p>(f) phase out or substantially reduce cross subsidies.</p>		
88	<p>83. Notwithstanding any other provision of this Bill, the Commission shall prescribe and enforce appropriate financial penalties upon any holder of a license who exceeds the tariff rates duly approved by the Commission for the provision of its services.</p>	<p>82. Penalty for Operating Unapproved Tariff, Charges Etc. Notwithstanding any other provision of this Act, 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.</p>	Deleted	This clause is harmonized as Clause 57 of the Committee Recommendation
89	<p>PART 22 – UNIVERSAL SERVICE PROVISION</p> <p>84. (1) The Nigerian Postal Service is designated as the Public Postal Operator which shall be charged with the responsibility to provide universal postal services.</p> <p>(2) the Minister shall cause the Public Postal Operator to be transformed into a limited liability company in accordance with the Companies and Allied Matters Act.</p>	<p>PART XXIII – UNIVERSAL SERVICE OBLIGATION.</p> <p>83. The Nigeria Postal Service designated as the Public Postal Operator (1)The Nigerian Postal Service is designated as "the Public Postal Operator" which shall be charged with the responsibility of providing universal postal services in Nigeria.</p> <p>(2)The Public Postal Operator designated under this Part shall be a limited liability company in accordance with the provisions of the Companies and Allied Matters Act, 2004.</p>	Deleted	

	<p>(3) the Commission shall consider, design and determine 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.</p> <p>(4) the Commission shall from time to time, make regulations specifying but not limited to:</p> <p>(a) the scope of service;</p> <p>(b) standards;</p> <p>(c) remunerations;</p> <p>(d) bonuses/dividends;</p> <p>(e) penalties for non-provision of universal postal products and services;</p> <p>(f) a declaration of the adoption of the regulations agreed upon by the Universal Postal Union for or respecting or in relation to the transmission of postal matter and that same or any part or modification thereof shall be in force within Nigeria;</p> <p>(g) disposal of undeliverable postal articles;</p> <p>(h) declaration of what articles may and what articles may not be transmitted as postal articles; and</p>	<p>(3) The Commission 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.</p> <p>(4) Commission shall from time to time, make regulations under this Part which shall include –</p> <p>(a) the scope of service required to be rendered under this Part;</p> <p>(b) the standards of the services;</p> <p>(c) remunerations for services rendered;</p> <p>(d) bonus or dividends;</p> <p>(e) penalties as may be applicable for the provision of universal postal products and services;</p> <p>(f) the disposal of undeliverable postal articles;</p> <p>(h) the articles that may or may not be transmitted as postal articles; and</p> <p>(i) the classification of postal articles for the purpose of postal charges.</p> <p>(5) The Commission may also make rules, guidelines and regulations, for the</p>		
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	(i) classification of postal articles for the purpose of postal charges.	implementation of the Universal Postal Service Regulations as may be agreed and ratified in accordance with the requirement of any law in force in transmission of postal matters.		
90	<p>85.</p> <p>(1) For the purposes of this Bill, a fund to be known as the "Universal Postal Service Fund" ("UPS Fund") is established and it shall be controlled and operated in the manner specified therein.</p> <p>(2) The UPS Fund shall comprise funds derived from but limited to the following sources –</p> <p>(a) such monies as may be specifically appropriated to the UPS Fund from time to time by the National Assembly;</p> <p>(b) contributions from the Commission based on a portion of the annual levies paid to the Commission by licensees; and</p> <p>(c) gifts, loans, aids and such other assets that may from time to time specifically accrue to the USP Fund.</p>	<p>84. Universal Postal Service Fund</p> <p>(1) There is established under this Part a Universal Postal Service Fund in this Act referred as "the UPS Fund" which shall be controlled and managed in accordance with the provisions of this Part.</p> <p>(2) The UPS Fund established pursuant to subsection (1) of this section shall consist of –</p> <p>(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;</p> <p>(b) contributions to the Fund by Licensees which shall be 2.5 percent of their annual turnover;</p> <p>(c) gifts, loans, aids and assistance from donor agencies; and</p> <p>(d) such other monies which may from time accrue to the UPS Fund.</p> <p>(3) The proceeds of the UPS Fund shall be applied-</p> <p>(a) to the payment of compensation and</p>	Deleted	This clause is harmonized as Clause 64 of the Committee Recommendation

		<p>incentives to the public postal operator;</p> <p>(b) to the cost of administration of the UPS Fund Board; and</p> <p>(c) for the deployment of Postal Service to the unnerved and undeserved areas by the public Postal operator.</p>		
91	<p>86. (1) Subject to the provisions of this Bill, there is hereby established a Board ("UPS Board") that shall:</p> <p>(a) supervise and provide broad policy directions for the management of the UPS Fund;</p> <p>(b) apply the fund to the provision of compensation and incentives for the universal postal service provider where such services are not commercially viable;</p> <p>(c) make appropriate recommendations to government on universal service development policy.</p> <p>(2) The UPS Board shall be constituted by the President based on recommendations of the Minister; and</p> <p>(c) apply the fund to the cost of administration of universal service; and</p> <p>(3) The UPS Board shall, in carrying out its</p>	<p>85. Establishment of the Universal Postal service Fund Board</p> <p>(1) There is established for the UPS Fund a Board (in this Act referred to as "the UPS Fund Board").</p> <p>(2) The UPS Fund Board established under subsection (1) of this section shall:</p> <p>(a) supervise and provide broad policy direction for the management of the UPS Fund;</p> <p>(b) make appropriate recommendations to the Federal Government and its Agencies on Universal service development policy.</p> <p>(3) The UPS Fund Board shall be constituted by the President on the recommendations of the Minister.</p> <p>(4) The UPS Fund Board shall, in carrying out its functions and duties under this Act, collaborate and consult at all time with the Commission and be subject to the provision of this Act.</p>	Deleted	<p>This clause is harmonized as Clause 65 of the Committee Recommendation</p>

	functions and duties pursuant to this Bill, collaborate and consult at all times with the Commission and be subject to the provisions of this Bill.			
92	<p>87. (1) Membership of the UPS Board shall be constituted as follows:</p> <p>(a) the Minister who shall be the UPS Board Chairman;</p> <p>(b) the Board Chairman of the Commission who shall be the UPS Board Vice Chairman;</p> <p>(c) the Director General of the Commission;</p> <p>(d) 1 representative of the Ministry of Information and Communication;</p> <p>(e) 1 representative of the Federal Ministry of Finance;</p> <p>(f) 1 representative of the National Planning Commission;</p> <p>(g) 1 Commissioner (other than provided herein);</p> <p>(h) 1 private sector representative;</p> <p>(i) Public Postal Operator (Chief Executive Officer).</p>	<p>86. Membership of the Fund Board</p> <p>(1) The UPS fund Board shall consist of:</p> <p>(a) the Minister, who shall be the Chairman;</p> <p>(b) the Chairman of the Commission, who shall be the Vice Chairman;</p> <p>(c) the Director General of the Commission;</p> <p>(d) a representative of the Ministry not below the directorate cadre;</p> <p>(e) a representative of the Federal Ministry of Finance not below the directorate cadre;</p> <p>(f) a representative of the National Planning Commission not below the directorate cadre;</p> <p>(g) a representative of the private sector; and</p> <p>(h) the Chief Executive officer of the Public Postal Operator;</p> <p>(2) A member of the UPS Fund Board other than an ex-officio member shall be appointed –</p>	Deleted	This clause is harmonized as Clause 66 of the Committee Recommendation

	<p>(2) The President acting on the recommendations of the Minister shall ensure that UPS Board members in subsection (1) (h) of this section is a person of integrity and professional standing who shall be appointed as USP Board members either on his own self-recognition or as a representative of organisations who, in the President's judgment, is a stakeholder in and can contribute meaningfully towards the attainment of the USP objectives.</p> <p>(3) subject to subsection (5) of this section, the organizations that are represented on the Board may, at their discretion or at the instance of the Board, withdraw any member who is representing their organizations and simultaneously replace him with some other person.</p> <p>(4) a Board member who is appointed pursuant to subsection (1) of this section shall serve such terms for such periods as shall be indicated in his letter of appointment.</p> <p>(5) in the event of the determination of appointment of a Board member who was appointed under subsection (1) of this section, and who was representing an organization, the Minister may, on the recommendation of the Board, request the organization to immediately send a replacement.</p>	<p>(a) by, the, President on the recommendation of the Minister;</p> <p>(b) for a term of 4 years and may be reappointed for another term of 4 years; and</p> <p>(c) on such terms and conditions as may be indicated in his letter of appointment.</p> <p>(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.</p>		
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93	<p>88. (1) The UPS 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.</p> <p>(2) Membership of the UPS Board Committees may be constituted beyond members of the UPS Board to include persons and representatives of organizations that are capable in the UPS Board's estimation of assisting the Commission and the UPS Board in the discharge of its USP functions provided that such USP Board Committees shall at all times be headed UPS Board Members.</p> <p>(3) Decisions of the UPS Board Committees shall not be binding and valid until they are adopted and agreed upon by the UPS Board.</p>	<p>87. Proceeding of the Board</p> <p>(1) The UPS Fund Board shall make standing orders for the regulation of its meetings and proceedings and may established standing or ad-hoc committees to assist it in exercising its functions under this Act.</p> <p>(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 Act, provided that such committees shall, at all times, be chaired by a member of the UPS Fund Board.</p> <p>(3) Decisions of the committee established by the UPS Fund Board shall not be binding and valid until adopted and agreed upon by the UPS Fund Board.</p>	Deleted	This clause is hamonized as Clause 67 of the Committee Recommendation
94	<p>89. (1) The UPS Secretariat shall reside in the Commission and shall be responsible for the day to day administration of the Universal Service Provision.</p> <p>(2) The functions of the USP Secretariat shall include -</p> <p>(a) evaluation of project performance and effecting such actions as may necessary</p>	<p>88. Secretariat of the Universal Service Fund:</p> <p>(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 84 of this Act.</p> <p>(2) The functions of the Secretariat are to: -</p> <p>(a) evaluation of project performance and effecting such actions as may necessary to</p>	Deleted	This clause is hamonized as Clause 68 of the Committee Recommendation

	<p>to ensure that the Fund meets the objectives for postal expansion and provision;</p> <p>(b) enforcing standards for quality of service in rural and underserved areas set by the Board;</p> <p>(c) evaluation of the effectiveness of the Universal Service in meeting policy goals as set by the Government and the Board;</p> <p>(d) liaising between the Board and Fund Managers that will be appointed pursuant to the provisions of this Bill.</p> <p>(3) The Commission shall ensure that the UPS Secretariat is staffed with suitably qualified and experienced personnel who may be seconded from the Commission's staff but shall in any case have employment terms, conditions and contracts that are similar to that which obtains for the Commission's staff.</p>	<p>ensure that the Fund meets the objectives for postal expansion and provision or service;</p> <p>(b) enforcing standards for quality of service set by the Board in rural and underserved areas;</p> <p>(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;</p> <p>(d) liaising with UPS Fund Board and the Universal Service Fund Managers appointed pursuant to the provision of section 89 of this Act.</p> <p>(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.</p> <p>(4) The UPS Fund Board shall ensure that the secretariat is staffed with suitably qualified and experienced personnel.</p>		
95	<p>90. (1) The USP Board shall, in consultation with the Commission, appoint an independent and competent investment management firm as USP Fund Managers with responsibilities,</p>	<p>89. Universal Service Fund Managers</p> <p>(1) The UPS Fund Board shall appoint an independent and competent investment management firm as Universal Postal Service Fund Manager (in this Act referred to as the UPS Fund Manager) whose</p>	Deleted	<p>This clause is harmonized as Clause 69 of the Committee Recommendation</p>

	<p>amongst others, for:</p> <p>(a) maintaining USP Funds financial accounts and records;</p> <p>(b) estimating the amount needed annually to sustain the rate of network expansion determined by the Commission as appropriate to meet USP policy objectives;</p> <p>(c) determining 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;</p> <p>(d) disbursing monies upon approval by the UPS Fund Board;</p> <p>(e) prudently investing UPS Funds cash reserves under directions from the UPS Board and establishing cash management procedures to ensure maximum return on investments while meeting short-term cash requirements for disbursements;</p> <p>(f) regularly reporting on financial performance of the USP Fund to the UPS Board; and</p> <p>(g) assisting the Secretariat in evaluating the effectiveness of the UPS in meeting policy goals set by Government and UPS Board.</p>	<p>responsibilities are:</p> <p>(a) maintaining the UPS Fund financial accounts and records;</p> <p>(b) estimating the amount needed annually to sustain the rate of network expansion determined by the Commission as appropriate to meet policy objectives;</p> <p>(c) determining, 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;</p> <p>(d) disbursing monies upon approval by the UPS Fund Board;</p> <p>(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;</p> <p>(f) regularly reporting on financial performance of the Fund to the UPS Fund Board; and</p> <p>(g) assisting the Secretariat in evaluating the effectiveness of the UPS Fund in meeting policy goals as set by the Federal Government and UPS Fund Board.</p> <p>(2) The UPS Fund Board shall determine the terms of engagement and the remuneration package for the UPS Fund Managers.</p>		
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	(2) The UPS Board shall, in collaboration with the Commission, determine the terms of engagement and the remuneration package for the UPS Fund Managers.			
96	91. The Commission may make regulations regarding contributions by licencees, under this Bill, to the USP Fund and any other matter related to or incidental to Universal Service Provision and the establishment and operation of the USP Fund.	90. Regulations on contributions to the UPS Fund The UPS Fund Board may make regulations on the contributions to be made by licensees under this Bill to the UPS Fund and any other matter related to or incidental to the UPS Fund and operation of the UPS Fund.	Deleted	This clause is harmonized as Clause 70 of the Committee Recommendation
97		91. Obligations of Public Postal Operator Subject to the provisions of this Act the Public Postal Operator designated under subsection (1) of section 83 of this Act shall: <ul style="list-style-type: none"> (a) take necessary steps to implement the minimum quality objective for the Universal Postal Service as maybe 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 the Universal Postal Service; (c) expand access to collection and -delivery of Universal 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 universal Postal Services; 	Deleted	This clause is now Clause 10 of the Committee Recommendation

		<p>(e)authenticate electronic and internet based receipts;</p> <p>(f) publish and disseminate- the list of products and services provided as part of the Universal Postal Service including their prices;</p> <p>(g)participate in projects on Universal Postal Service costing and pricing; and</p> <p>(h) participate in Universal Postal Union and restricted union activities;</p> <p>(i)maintain and review the Post Office Guide from time to time</p> <p>(j) enter into any business partnerships or collaborate with governmental agencies, corporate organizations and individuals in the discharge of its obligations.</p>		
98		<p>92.Exclusive Powers of the Public Postal Operator</p> <p>(1) The Public Postal Operator shall have and exercise power to the exclusion of any other person to:</p> <p>(a) collect, accept, process, convey and deliver postal articles weighing up to 1 kg including such postal articles addressed to different recipients with each weight class 'not more than 1kg' whether enclosed in an envelope, sack, collector or any form of container;</p>	Deleted	This clause is now Clause 11 of the Committee Recommendation

		<p>(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;</p> <p>(c) issue postage stamps for the prepayment of postal charges;</p> <p>(d) produce philatelic products, pre-stamped envelopes, pre-stamped postcards, aerogrammes and international reply coupons;</p> <p>(e) 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;</p> <p>(f) authorize the use of franking meter machine to record prepaid postage charges by any person;</p> <p>(g) authenticate documents and internet mail related documents;</p> <p>(h) issue and pay domestic and international postal and money orders; and</p> <p>(i) provide Slogan Die publicity services.</p> <p>(2) In this section "postal articles" includes any letter, postcard, newspaper, book, document, pamphlet, pattern or sample packet, parcel or package or other article whatsoever</p>		
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		transmissible by post.		
99		<p>93.Exceptions to powers The exclusive powers conferred on the Public Postal Operator by subsection (1) of Section 92 of this Act shall not extend to;</p> <p>(a) letters sent through a messenger on purposes concerning the private affairs or business of the sender or receiver;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(e) letters carried to the premises of a provider of electronic mail service for the purposes of transmission by electronic mail.</p>	Deleted	This clause is now Clause 12 of the Committee Recommendation
100		<p>94.Mandatory Postal Services The Public Postal Operator, shall in addition to the services exclusively reserved under</p>	Deleted	This clause is now Clause 13 of the Committee Recommendation

		<p>section 92 of this Act, provide:</p> <p>(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;</p> <p>(b) basic financial services, that may include but not limited to money transfer (acceptance and payment) travellerscheques, savings, operation of giro account, Bank deposits and withdrawals either directly or on agency basis;</p> <p>(c) other information communication technology services; and</p> <p>(d) such other financial services as may is be determined from time to time by the Board.</p>		
101		<p>95. Cross subsidization of tariff, etc.</p> <p>(1) The Public Postal Operator shall not cross subsidize the prices of any service it offers in the market for unreserved postal services from the sales revenue of reserved postal services.</p> <p>(2) The tariffs applicable to reserved postal services shall be set by the Public Postal Operator in accordance with guidelines issued by the Commission.</p> <p>(3) The Public Postal Operator shall, from time to time, review tariffs relating to reserved</p>	Deleted	

		<p>services as may be provided in guidelines issued by the Commission.</p> <p>(4) In setting and reviewing the tariffs for reserved postal services, the Public Postal Operator shall ensure that the tariffs are based on the cost of providing efficient services in accordance with the terms and conditions of a licence and shall further ensure that the tariff do not include:</p> <p>(a) surcharge prevailing solely as a result of its right to provide exclusive reserved postal services;</p> <p>(b) anti-competition discounts likely to be prejudicial to licences for unreserved postal services;</p> <p>(c) variation in rates that create any disadvantage for individual users within the same class of service in relation to users of postal services of the same type; and</p> <p>(d) any other considerations.</p>		
102	<p>PART 23 - SERVICE DELIVERY CONDITIONS</p> <p>92. (1) The Commission shall, from time to time, determine the manner in which Universal Postal Service is to be provided.</p> <p>(2) The Commission in exercising the function under subsection (1) of this section shall take into account:</p> <p>(a) the objective of this Bill;</p>	<p>PART XXIV - SERVICE DELIVERY CONDITIONS</p> <p>96. Conditions for service delivery</p> <p>(1)The Commission shall, from time to time, determine the manner in which Universal Postal Service is to be provided.</p> <p>(2)The Commission shall in exercising the function under subsection (1) of this section, take into account:</p> <p>(a) the objectives of this Act;</p>	Deleted	

<p>(b) measurable quantity of service standards for postal services in relation to customer satisfaction as key factor;</p> <p>(c) speed, reliability and security of service;</p> <p>(d) accessibility to and affordability of the Universal Postal Service;</p> <p>(e) accountability for handling of claims and complaints;</p> <p>(f) Important operational and economic considerations and feasibility of meeting service delivery conditions for universal Postal Service;</p> <p>(g) the need and requirement of the general public and the surrounding environment including the current circumstances and future expectations of today's information and communication society;</p> <p>(h) any applicable international standards, conventions, protocols and agreements including but not limited to Universal Postal Union and postal regulations as may be agreed to and adopted by Nigeria from time to time.</p> <p>(3) Subject to subsection (2) of this section, the Commission shall make regulations:</p> <p>(a) with respect to required service</p>	<p>(b) measurable quantity and quality service standards for postal services and customer satisfaction as one of the key factors;</p> <p>(c) speed, reliability and security of the service;</p> <p>(d) accessibility to and affordability of the Universal Postal Service;</p> <p>(e) accountability for handling of claims and complaints;</p> <p>(f) important operational and economic considerations and feasibility of meeting service delivery and the conditions for Universal Postal Service;</p> <p>(g) the needs and requirements of the general public and the surrounding environment including the existing circumstances and future expectations of a prevailing information and communications available society; and</p> <p>(h) any applicable international standards, conventions, protocols and agreements, including but not limited to Universal Postal Union and postal regulations as may be agreed to and adopted by Nigeria from time to time.</p> <p>(3) The Commission shall make regulations:</p> <p>(a) in respect of the required service delivery conditions under subsection (2) of this section;</p>		
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	<p>delivery conditions;</p> <p>(b) establish clear technical specifications;</p> <p>(c) establishing, performing, monitoring, control, supervision, measurement and evaluation mechanism for the universal Postal Service Provider and its services;</p> <p>(d) mapping out operating procedures for these basic services, along with a long term sustainable financial mechanism.</p>	<p>(b) establishing clear technical specifications to be met by the Universal Postal Service provider;</p> <p>(c) establishing performance monitoring, control, supervision, measurement and evaluation mechanism for the Universal Postal Service provider and its services; and</p> <p>(d) mapping out operating procedures for these basic services, along with a long term sustainable financing mechanism.</p> <p>(4) Without prejudice to the generality of subsections (1), (2) and (3) of this section, the Public Postal Service Operator shall adhere to basic principles with respect to service delivery, accordingly:</p> <p>(a) all customers shall be treated equally and offered the same services under the same terms and conditions;</p> <p>(b) there shall be no discrimination against any customer in the delivery of universal postal service; and</p> <p>(c) service delivery may not be disrupted or suspended, except in cases of force majeure, existing law or court order.</p>		
103		<p>97. Sanctions for Violation of Service Conditions</p> <p>(1) Subject to the procedure contained in subsection (2) of this section, the Commission shall have powers to sanction the Public Postal Operator for violation of universal</p>	Deleted	

		<p>service conditions.</p> <p>(2) Prior to exercising the powers vested in subsection (1) of this section, the Commission shall give the Public Postal Operator reasonable opportunity to make written submission and the Commission shall consider the submission made in making its final determination and declaration on the sanction to be imposed.</p>		
104	<p>PART 24 - NATIONAL POSTCODE SYSTEM</p> <p>93. (1) notwithstanding the provision of any existing Post Code System, the Commission shall solely and exclusively be vested with the control, planning, administration, management and assignment of the National Post Code System.</p> <p>(2) the Commission shall develop a National Code System for effective and efficient mail delivery taking into account the subsisting numbering plan prior to the commencement of this Bill.</p> <p>(3) in developing the Post Code Plan or System, the Commission 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.</p>	<p>PART XXV - NATIONAL POSTCODE SYSTEM AND TECHNICAL STANDARDS</p> <p>98. Administration and Planning of the National Post Code System</p> <p>(1) The Commission 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").</p> <p>(2) The Commission shall develop a Postcode System for effective and efficient mail delivery taking into account the subsisting numbering plan prior to the commencement of this Act</p> <p>(3) In developing the Post Code System, the Commission 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.</p>	Deleted	

	<p>(4) the Commission shall maintain and manage the integrated post code database and make post code information available to the public for a fee as it may prescribe in a non-discriminatory manner.</p> <p>(5) without prejudice to the generality of subsection (1) of this section, the Commission may act in person or delegate any or all of its obligations under this section to any person as it may deem fit.</p>	<p>(4) The Commission shall maintain and manage the integrated post code database and make post code information available to the public for a fee as it may prescribe, in a non-discriminatory manner.</p> <p>(5) Notwithstanding the provisions of subsection (1) of this section, the Commission may enter into a PPP arrangement to carry out any of its obligations under this section.</p>		
105	<p>PART 25 – TECHNICAL STANDARDS</p> <p>94.</p> <p>(1) Subject to the provision of subsection (2) of this section, the Commission shall specify and publish for the information of the general public, technical code and specifications in respect of postal services.</p> <p>(2) The technical code and specifications prepared by the Commission under this section shall include:</p> <p>(a) list of prohibited or restricted postal articles;</p> <p>(b) requirements for transit and delivery times;</p> <p>(c) terms and conditions of carriage including liability and restriction or exemption clauses, amount and condition of payment of compensation;</p> <p>(d) requirements for operational offices infrastructure and warehouses;</p>	<p>99. Technical Code specifications and publication</p> <p>(1) Subject to the provision of subsection (2) of this section, the Commission shall specify and publish for the information of the general public, technical code and specifications in respect of postal services.</p> <p>(2) The technical code and specifications prepared by the Commission under this section shall include:</p> <p>(a) list of prohibited or restricted postal articles;</p> <p>(b) requirements for transit and delivery times;</p> <p>(c) terms and conditions of carriage including liability and restriction or exemption clauses, amount and condition of payment of compensation;</p> <p>(d) requirements for operational offices, infrastructure and warehouses;</p>	Deleted	

	<p>(e) requirements for information on its products and services;</p> <p>(f) provision of register of daily shipment indicating weight of each postal item destination, acceptance and delivery terms</p> <p>(g) provision for mail bags, waybills, labels, receipts, and proof of delivery;</p> <p>(h) requirements for safe and efficient system of custody and transportation of postal articles;</p> <p>(i) requirements for examination of postal articles before, during or after transmission.</p> <p>(3) Prior to specifying and publishing any technical code and specifications under this Bill, the Commission shall first conduct an inquiry in the manner specified in this Part 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 belongs such as the Universal Postal Union.</p> <p>(4) in making the technical code and specifications, the Commission shall take into consideration the findings of the inquiry under subsection (3) of this section.</p>	<p>(e) requirements for information on its products and service;</p> <p>(f) provision of register of daily shipment indicating weight of each postal item, destination, acceptance and delivery terms;.</p> <p>(g) provision for mail bags, waybills, labels, receipts, and proof of delivery;</p> <p>(h) requirement for safe and -efficient system of custody and transportation of postal articles; and</p> <p>(i) requirements for examination of postal articles before, during or after transmission.</p> <p>(3) Prior to specifying and publishing any technical code and specifications under this Act, the Commission shall first conduct an inquiry in the manner specified in Part XI of this Act 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.</p> <p>(4) In making the technical code and specifications, the Commission shall take into consideration the findings of the inquiry under subsection (3) of this section.</p>		
106	PART 26 - OFFENCES AND	PART XXVI -OFFENCES, PENALTIES AND	Deleted	

	<p>PENALTIES</p> <p>95. (1) Subject to such exemptions as are contained in this Bill, or as may be determined by the Commission from time to time, a person who operates a postal service:</p> <p>(a) without a license issued under this Bill; and</p> <p>(b) outside the terms and conditions of the license; or</p> <p>(c) in contravention of the provision of this Bill or regulation made pursuant; thereby commits an offence.</p> <p>(2) a person who for the purpose of securing a license 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.</p>	<p>TRIAL OF OFFENCES</p> <p>100.Offences relating to licences</p> <p>(1)Subject to such exemptions as are contained in this Act, or as may be determined by the Commission from time to time, a person who operates a postal service:</p> <p>(a) without a licence issued under this Act;</p> <p>(b) outside the terms and conditions of the licence; or</p> <p>(c) in contravention of the provisions of this Act or regulation made pursuant to this Act; commits an offence.</p> <p>(2) A person who for the purpose of securing a licence under this Act, 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.</p>		
107	<p>96. (1) a person who:</p> <p>(a) without lawful authority, willfully or maliciously stops, dumps, intercepts or in any way specified in any section of this Bill, tampers or meddles with, or Otherwise retards the delivery of any postal matter; or</p> <p>(b) without lawful authority fraudulently, willfully or maliciously:</p>	<p>101.Postal offences</p> <p>(1) A person who without lawful authority or with intent to defraud:</p> <p>(a) stops, dumps, intercepts or in any way not otherwise specified in any section of this Act, tampers or meddles with, or otherwise retards the delivery of any postal matter or electronic mail;</p> <p>(b) stops, delays, intercepts, tampers or meddles with any postal matter or electronic mail with intent to steal or pilfer it; or;</p>	Deleted	This clause is harmonized as Clause 17 of the Committee Recommendation

	<p>(i) stops, delays, intercepts, tampers or meddles with any postal matter with intent steal or pilfer it; or</p> <p>(ii) secretes, destroys or defaces any postal matter, or any part thereof or evidence of the existence of the postal matter or part thereof, whether or not the postal matter or part thereof so secreted, destroyed or defaced, contains money or other thing whatsoever;</p> <p>is guilty of an offence.</p> <p>(2) A person who:</p> <p>(a) steals any postal matter;</p> <p>(b) being charged with the delivery of any postal matter, without lawful authority, fraudulently, willfully or maliciously dumps it or delivers it to person or an address other than the person or address on the postal matter; or</p> <p>(c) sells, offers for sale any stamp, postal order, money order or other postal items at an amount not approved by the Postal Operator; or</p> <p>(d) demands for the postage or transmission of any letter, postal parcel at an amount not approved by the Commission; or</p> <p>(e) without lawful authority, communicates or attempt to communicate to an</p>	<p>(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;</p> <p>commits an offence-under this Act.</p> <p>(2) A person who:</p> <p>(a)steals any postal matter or electronic mail;</p> <p>(b) being charged with the delivery of any postal matter or electronic mail, without lawful authority, fraudulently, willfully 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;</p> <p>(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;</p> <p>(d) demands for the postage or transmission of any letter, postal parcel or electronic mail, at an amount not approved by the Commission;</p> <p>(e)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;</p>		
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	<p>unauthorized person any information relating to the movement of any mail bag or postal matter; or</p> <p>(f) 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 purpose which constitutes an offence under this Bill; or</p> <p>(g) fraudulently or by means of a false pretence obtains from any employee of a postal operator or any other person, any postal matter which is not addressed to him with intent to defraud; or</p> <p>(h) 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; or</p> <p>(i) 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; or</p> <p>(j) 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; or</p> <p>(k) prints, sells, supplies, recycles, offers for sale or otherwise deals in any postage</p>	<p>(f)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 Act;</p> <p>(g) 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</p> <p>(h) 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;</p> <p>(i) 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;</p> <p>(j) 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 Act;</p> <p>(k) prints, sells, supplies, recycles, offers for sale or otherwise deals in any postage stamp or any postal matter;</p> <p>(l)prints, sells, supplies, recycles, offers for</p>		
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	<p>stamp or any postal matter; or</p> <p>(l) prints, sells, supplies, recycles, offers for sale counterfeit postage stamps, postal matter, postage payment imprints; or</p> <p>(m) removes cancelled stamps or makes from bonafide postage stamp or postage payment imprints for purpose of falsification or re-use; or</p> <p>(n) being an employee of the Postal Operator or any other person authorized to sell postage stamps or other postal items, without lawful excuse fraudulently, willfully or maliciously does any act that causes a scarcity of postage stamps or postal items; or</p> <p>(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; or</p> <p>(p) involves in conduct designed to perpetrate postal fraud scheme; or</p> <p>(q) refuses supply or convey information whose disclosure or submission is required under the provisions of this Bill or any other law; or</p> <p>(r) refuses to submit to inspection or obstructs or resists inspection activities by law enforcement agencies or the Commission; or</p>	<p>sale counterfeit postage stamps, postal matter, postal payment imprints;</p> <p>(m) removes cancelled stamps or makes from bonafide postage stamp or postage payment imprints for purposes of falsification or re-use;</p> <p>(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, willfully or maliciously, refuses to do so or fraudulently, willfully or maliciously does any act that causes a scarcity of postage stamps or postal items;</p> <p>(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> <p>(p)engages in any conduct designed to perpetrate postal fraud schemes;</p> <p>(q)refuses to supply or convey information where disclosure or submission is required under the provisions of this Act or any other written law;</p> <p>(r) refuses to submit to inspection or obstructs or resists inspection activities by law enforcement agencies or the Commission;</p> <p>(s) arranges for permits or transmits banned or prohibited article or item under this Act,</p>		
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	<p>(s) arranges for, permit or transmits banned or prohibited articles or items under this Bill; or</p> <p>(t) colludes with licensed operators to undercut prices, dump items and does not comply with the regulations; ore</p> <p>(u) patronizes unlicensed postal operator; or</p> <p>(v) being a licensed operator partners with unlicensed operators to transact postal or courier express business, is guilty of an offence.</p>	<p>subsidiary legislation or any other written law;</p> <p>(t) without lawful authority offers or is engaged in any of the services exclusively reserved for the Public Postal Operator;</p> <p>(u) colludes with a licensed operator to undercut price, dump items and does not comply with the provisions of this Act and regulations made under this Act;</p> <p>(v)patronizes an unlicensed operator; or</p> <p>(w)being a licensed operator partners with unlicensed operators to transact postal or express business.</p> <p>commits an offence under this Act.</p>		
108		<p>102. Breach of Official Duty</p> <p>A person who, being an employee of the Public Postal Operator or is for the time being under duty to discharge any function assigned to him by the Public Postal Operator:</p> <p>(a) negligently and fraudulently fails to perform or discharge that duty;</p> <p>(b) performs that duty fraudulently, negligently, perversely or recklessly; or</p> <p>(c)commits an act or omission in breach of that duly,</p> <p>commits an offence under this Act.</p>	Deleted	This clause is now Clause 18 of the Committee Recommendation
109	97. (1) a person who is guilty of an offence	<p>103. Penalties</p> <p>(1) A person who commits an offence under</p>	Deleted	This clause is now Clause 19 of the Committee Recommendation

	<p>under any section of this Part shall be liable on conviction, where not otherwise specified:</p> <p>(a) in case of an individual, to a term of imprisonment of not less than seven years without an option of fine; and</p> <p>(b) in case of a body corporate to a fine not exceeding ten times the initial fee for the relevant license, to be paid to the Commission; or</p> <p>(c) both fine and imprisonment.</p> <p>(2) notwithstanding subsection (1)(b) of this section, where an offence under this Part is committed by body corporate, firm or other association or individual:</p> <p>(a) every director, manager, secretary, or other similar officers of the corporate body;</p> <p>(b) every partner or officer of the firm;</p> <p>(c) every person concerned in the management of the affairs of the association; or</p> <p>(d) every person who was purporting to act in any such capacity as aforesaid; shall be severally guilty of that offence and liable to be prosecuted and punished for the offence in like manner as if he himself committed the offence in an individual capacity, unless he proves that the act or omission constituting the offence took</p>	<p>this Act is liable on conviction, where no penalty is otherwise specified, in case of</p> <p>(a) an individual, to imprisonment for a term of not less than one year or a fine of not less than one million Naira or to both;</p> <p>(b) a body corporate, to a fine not exceeding ten times the initial fee for the relevant license.</p> <p>(2)Notwithstanding the provision of subsection (1)(b) of this section, where an offence under this Act is committed by a body corporate, firm or other association, any:</p> <p>(a)director, manager, secretary or other similar officers of the body corporate;</p> <p>(b)partner or officer of the firm;</p> <p>(c)person concerned in the management of the affairs of the association; or</p> <p>(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.</p> <p>(3)In addition to the penalties specified in this Part of this Act, any article, property, facility,</p>		
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	<p>place without his knowledge, consent or connivance.</p> <p>(3) in addition to the penalties specified in this part, 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.</p>	<p>equipment, vehicle or other things used in the commission of or in connection with the offence shall be forfeited to the Federal Government.</p>		
	PART 27 – JURISDICTION TO TRY OFFENCES		Deleted	
110	<p>98. The Federal High Court shall have exclusive jurisdiction over all matters, suits and cases arising out of or pursuant to or consequent upon this Bill or its subsidiary legislation and all references to "Court" or "Judge" in this Bill shall be understood and deemed to refer to the Federal High Court or a Judge of the said Court.</p>	<p>104.Jurisdiction</p> <p>The Federal High Court shall have exclusive jurisdiction over all matters, suits and cases arising from this Act or any regulations made under this Act and all references to 'court' or 'judge' in this Act means the Federal High Court or a judge of the Federal High Court.</p>	Deleted	<p>This clause is now Clause 20 of the Committee Recommendation</p>
111		<p>105.Power to control property of accused</p> <p>(1) Where at any stage of a hearing or trial, the court is satisfied that a prima facie case has been established against a person, the court may, on such terms and conditions as may be just:</p> <p>(a) prohibit any disposition of property, movable or immovable, by or on behalf of that person, whether or not the property is owned or held by that person or by any other person on his behalf except to such extent and in such manner as may be specified in the order; and</p>	Deleted	

		<p>(b) where necessary or expedient, vest in the court or otherwise acquire the custody of any property, movable or immovable, of the person, for the preservation of the property, pending the determination of the proceedings.</p> <p>(2) Failure to comply with the requirement of an order made under this section constitutes an offence under this Act punishable on conviction, in case of:</p> <p>(a) an individual, to imprisonment for a term of not less than two years but not more than five years or a fine of not less than two hundred thousand Naira;</p> <p>(b) a group of persons, not being a body corporate, to the same punishment as specified in paragraph (a) of this subsection for each of the persons in the group; or</p> <p>(c) a body corporate, to a fine of an amount equal to two times the estimated value of the property affected by the non-compliance or one hundred million Naira whichever is higher.</p> <p>(3) An application may be made to the court for the disposal or confiscation of any property seized under this Act:</p> <p>(a) in the case of perishable property, at anytime; and</p> <p>(b) in any other case, not earlier than twelve months after the property has been seized.</p> <p>(4) The court may, if satisfied that there is</p>		
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		<p>need for the disposal or confiscation of the property specified in an application under subsection (4) of this section, make such order and on such terms and conditions as it may deem necessary for the disposal or confiscation of the property.</p> <p>(5) The disposal of a property under this section shall be by public auction.</p>		
112	<p>PART 28 - POWERS TO INVESTIGATE</p> <p>99. (1) The Commission may in writing authorise any of its officials or appoint external inspectors on its behalf to exercise the powers of monitoring and enforcement vested in the Commission under this Bill.</p> <p>(2) The Commission may direct its authorized officials or appointed Inspectors to investigate the activities of a licensee or other person to ensure compliance with this Bill or its subsidiary legislation pursuant to its information-gathering, monitoring, enforcement and other related powers under this Bill.</p> <p>(3) In exercising any of the powers specified in subsection (2) of this section and notwithstanding any other provision of this Bill, an authorised official of the Commission or its appointed Inspector:</p> <p>(a) shall on demand produce to the person against whom he is acting, the</p>	<p>PART XXVII - SPECIAL POWERS OF COMMISSION.</p> <p>106. Power of investigation</p> <p>(1) The Commission may in writing authorise any of its officials or appoint external inspectors on its behalf to exercise the powers of monitoring and enforcement vested in the Commission under this Act.</p> <p>(2) The Commission may direct its authorized officials or appointed inspectors to investigate the activities of a licensee or other person to ensure compliance with the provisions of this Act and its regulations in accordance with the information gathering monitoring, enforcement and other related powers conferred on the commission under this Act.</p> <p>(3) In exercising any of the powers specified in subsection (2) of this section and notwithstanding any other provision of this Act an authorised official of the Commission or its appointed inspector-</p> <p>(a) shall on demand produce to the person whose activities is under investigation, the</p>	Deleted	

	<p>authority issued to him by the Commission; and</p> <p>(b) may at any reasonable time and without prior notice, enter any affected place or licensee's premises and:</p> <p>(i) inspect and make copies of or extracts from books, records, documents or other information storage Systems;</p> <p>(ii) demand the production of and inspect the relevant license, permit, certificate or authority; and</p> <p>(iii) inspect any radio communications station or apparatus or other communications equipment or facilities on the premises.</p> <p>Provided that the official or appointed Inspector shall have in his possession for the purposes of entering any affected person's premises who is not a licensee, a warrant for that purpose obtained from a Magistrate or Judge prior to the entry into such premises.</p>	<p>authority issued to him by the Commission; and</p> <p>(b) may at any reasonable time and without prior notice enter any affected person's or licensee premises in order to:</p> <p>(i) inspect and make copies of or extracts from books records, documents or other information storage Systems;</p> <p>(ii) demand the production of and inspect the relevant license permit certificate or authority; and</p> <p>(iii) inspect any equipment or apparatus or other postal facilities on the premises.</p> <p>(4) In carrying out an investigation in to the activities of a person or licensee under this section the official or appointed inspector shall, have in his possession for the purposes of entering the premises of a person who is not a licensee, a warrant for that purpose obtained from a magistrate or judge prior to the entry in to such premises.</p>		
113		<p>107.Power to search</p> <p>Notwithstanding the provisions of any other enactment conferring power to search, where any police officer or authorized officer of the Commission is reasonably satisfied that there may be found on any premises, building or any other place whatsoever, any item or</p>	Deleted	

		<p>information which in his opinion is or may be material to the subject matter of any investigation of an offence under this Act, he may after obtaining a warrant from a magistrate or judge:</p> <p>(a) enter the premises, building or any other place and every part thereof; and</p> <p>(b) search for, seize and remove any item, vehicle, facilities, equipment or information found therein; or</p> <p>(c) seal off the premises, building or any other place and every part thereof; or</p> <p>(d) shut down any facility or equipment found on the premises, building or any other place or part thereof.</p>		
114		<p>108. Interim measures</p> <p>(1) The Commission, shall if there are grounds to believe that a violation, civil or criminal, of the provisions of this Act or its regulations was, is or will be committed, take any interim measures considered appropriate or expedient pending a decision on the alleged violation, to ensure the enforceability of the ensuing decision.</p> <p>(2) In cases where the person charged with the violation is an unlicensed postal operator, interim or preventive measures, including the sealing off of the building, premises or other place and every part thereof or shutting down and impounding the facility and equipment contained therein, shall remain in effect until a decision is taken or made.</p>	Deleted	

		<p>(3)All interim or preventive measures taken or to be taken in connection with each case shall be commensurate with the objectives of the implementation of the measures.</p> <p>(4)In this part, "decision" includes any action, proceeding, order, report or direction.</p>		
115		<p>109.Power to issue orders Where the Commission is of the opinion that a licensee of a postal operator is competing unfairly, it may issue an order directing;</p> <p>(a)the licensee to cease and desist from the activity found to constitute unfair competition;</p> <p>(b)the licensee to take action to remedy the unfair competition;</p> <p>(c)the licensee to pay a penalty as may be determined; or</p> <p>(d) any anti-competitive agreement or contract null and void.</p>	Deleted	
116		<p>110.Power to intercept, detain, etc. of postal articles The Commission shall have the following specific powers to direct the relevant postal operator:</p> <p>(a) to intercept, detain, open, inspect, return, deliver to or deal in such manner as may be prescribed, where postal articles:</p> <p>(i)have been posted contrary to the provisions this Act or regulations made pursuant to this Act</p>	Deleted	This clause is now Clause 22 of the Committee Recommendation

		<p>(ii)are suspected or found to be of a fraudulent nature; or</p> <p>(iii)contain goods in respect of which an offence is being committed or is being attempted to be committed; or</p> <p>(iv)contain any fictitious postage stamp or bearing any postage stamp, the surface of which is smeared or coated with any postage 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;</p> <p>(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</p> <p>(c) take all necessary preventive measures in situations in which their implementation cannot be postponed.</p>		
117		<p>111.Power to open postal articles</p> <p>(1) Where the Commission 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, the addressee or sender, as the case may be, and thereafter</p>	Deleted	This clause is now Clause 23 of the Committee Recommendation

		<p>the article shall be opened by the addressee or sender or his agent</p> <p>(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 Commission in the presence of another officer of the postal operator and of any other person named or referred to in the notice present.</p> <p>(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 required for the purpose of any proceedings under this Act or any other enactment for the time being in force.</p>		
118	<p>PART 29 - ACTIONS AGAINST THE COMMISSION, ETC.</p> <p>100. (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.</p> <p>(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 in pursuance or execution of this Act or any other law or enactment, or of any public duty or authority in respect of any alleged neglect</p>	<p>PART XXVIII - LEGAL PROCEEDINGS</p> <p>112. Limitations of suits against the Commission</p> <p>(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an official employee of the commission.</p> <p>(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 action under this Act or any other law or enactment, or of any public duty, or authorize in respect of any allege neglect or default in the execution of this Actor any other</p>	Deleted	<p>This clause is harmonized as Clause 59 of the Committee Recommendation</p>

	<p>or default in the execution of this Act or any other law or enactment, duty of authority, or be instituted in any Court unless it is commenced:</p> <p>(a) within 3 months next after the act, neglect or default complained of; or</p> <p>(b) in the case of a continuation of damage or injury, within 6 months next after the ceasing thereof.</p> <p>(3) No suit shall be commenced against a Commissioner, the Secretary or any official or employee of the Commission before the expiration of a period of 1 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.</p> <p>(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.</p>	<p>law or enactment; duty of authority, or be instituted in any court unless it is commenced:</p> <p>(a) within three months after the act neglect or default-complained of; or</p> <p>(b) in the case of a continuation of damage or injury within six months next after the ceasing thereat.</p> <p>(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 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.</p> <p>(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.</p>		
119	<p>101. 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 sending it by registered post addressed to the Director General or Secretary of the Commission at the principal office of the Commission.</p>	<p>113. Service of court processes on the Commission</p> <p>A notice, summons or other documents required or authorized to be served on the Commission under the provisions of this Act or any other law or enactment, may be served by delivering it to the Commission or by sending it by registered post addressed to the Director General of the Commission at the principal office of the Commission.</p>	Deleted	<p>This clause is hamonized as Clause 60 of the Committee Recommendation</p>

120	<p>102. In any action against the Commission, no execution or attachment of process of any nature thereof shall be issued against the Commission unless at not less than three months notice of the intention to execute or attach has been given to the Commission.</p> <p>(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.</p>	<p>114.Restriction on execution against the Commission's property In any action against the Commission, no execution or attachment of any nature thereof shall be issued against the Commission unless at least three months notice of the intention to execute or attach the Commission's property has been given to the Commission.</p>	Deleted	This clause is harmonized as Clause 61 of the Committee Recommendation
121	<p>103. A Commissioner, the Secretary 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 Commissioner, Secretary, Officer or employee of the Commission.</p>	<p>115.Indemnity of the Commission's officials 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.</p>	Deleted	This clause is harmonized as Clause 62 of the Committee Recommendation
122		<p>116.Limitation of Actions against the Public Postal Operator 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 Act or public duty or authority or in respect of any alleged default in the</p>	Deleted	This clause is harmonized as Clause 24 of the Committee Recommendation

		execution of its universal postal service obligations, duty or authority, unless it is commenced within twelve months after the act, neglect or default complained of or, in the case of a continuous damage or injury, within twelve months next after the ceasing thereof.		
123		117. Restriction on execution against property of the Public Postal Operator In any action or suit against the Public Postal Operator, no execution or attachment of process in the nature thereof shall be issued against the Public Postal Operator but any sum of money which may, by the judgment of the court, be awarded against the Public Postal Operator 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 Universal Postal Service Fund.	Deleted	This clause is harmonized as Clause 25 of the Committee Recommendation
124	PART 30 - NATIONAL INTEREST MATTERS 104. (1) A licensee shall use his best endeavour to prevent the network facilities that he owns or provides or the network service, applications service or content application service that he provides from being used, or in relation to, the commission of any offence under any law in operation in Nigeria. (2) A Licensee shall, upon written request of the Commission or any other authority, assist the Commission or other authority as far as reasonably necessary in preventing the commission or attempted	PART XXIX - NATIONAL INTEREST MATTERS 118. General duties of licensees. (1) A licensee shall prevent the postal facility that he owns or provides or the postal service that he provides from being used in, or in relation to, the commission of any offence under any law in operation in Nigeria. (2) A licensee shall, upon written request of the Commission or any other authority, assist the Commission or other authority where necessary in preventing the commission or attempted commission of an offence under	Deleted	

	<p>commission of an offence under any written law in operation in Nigeria or otherwise in enforcing the laws of Nigeria, including the protection of public revenue and preservation of national security.</p> <p>(3) Any licensee, shall not be liable in any criminal proceedings of any nature for any damage (including punitive damages), loss, cost or expenditure suffered or to be suffered (whether directly or indirectly) for any act or omission done in good faith in the performance of the duty imposed under subsections (1) and (2).</p>	<p>any written law in operation in Nigeria or otherwise in enforcing any law in Nigeria, including the protection of public revenue and preservation of national security.</p> <p>(3) A licensee, shall not be liable in criminal proceedings of any nature for any damage including punitive damages, loss, cost or expenditure suffered or to be suffered (whether directly or indirectly) for any act or omission done in good faith in the performance of the duty imposed under subsections (1) and (2) of this section.</p>		
125	<p>105. The Commission may determine that a licensee shall implement the capability to allow authorized interception of communications and such determination may specify the technical requirements for authorize interception capability.</p>	<p>119. Capability The Commission may determine that a licensee or category of licensees shall implement the capability to allow authorized interception of postal articles and such determination may specify the technical requirements for authorized interception capability.</p>	Deleted	
126	<p>106. in the interest of public safety, the Commission may:</p> <p>(a) suspend the license of any licensee, take temporary control of any service or network facilities owned or provided by a licensee in any manner as the Commission deems fit; and</p> <p>(b) withdraw either totally or partially the use of any service or network facilities from any licensee, person or the general public.</p>	<p>120. Emergency provisions Upon the occurrence of any public emergency or in the interest of public safety, the Commission may:</p> <p>(a) suspend the licence of any licensee, take temporary control of any service or postal facilities owned or provided by a licensee in any manner as the Commission deems fit;</p> <p>(b) withdraw either totally or partially the use of any service or postal facilities from any licensee, person or the general public.</p>	Deleted	

127	107. The Commission may direct a licensee or class of licensees to develop, in consultation with the authorities specified by the Commission, a disaster plan for the survivability and recovery of any services or postal facilities to case of a disaster, crisis or civil emergency.	121. Disaster plan The Commission may direct a licensee or category of licensees to develop, in consultation with the authorities specified by the Commission, a disaster plan for the survivability and recovery of any services or postal facilities in case of a disaster, crisis or civil emergency.	Deleted	
128		122. Interconnection (1) The Commission shall support the smooth operation of interconnection, including capacity sharing, between the Public Postal Operator and other postal operators, so as to enhance mutual accessibility among postal operators, ensure fair and non-discriminatory terms of interconnection and protect the interest of users. (2) Without limiting the measures that it may take in fulfillment of the responsibility under subsection (1) of this section the Commission may: (a) issue guidelines on the establishment of interconnection agreements between operators and settlement of interconnection disputes; (b) facilitate negotiations for interconnection agreements between operators; and (c) settle or arbitrate any dispute that may arise between the operators.	Deleted	
129	PART 31 - REPEAL AND SAVINGS 108. (1) As from the commencement of	PART XXX - MISCELLANEOUS 123. Repeal of Cap N127 LFN 2004 (1) The Nigerian Postal Service Act, Cap N127	Deleted	This clause is harmonized as Clause 71 of the Committee Recommendation

	<p>this Bill, the Nigerian Postal Service Act, CAP N127, LFN, 2004 is hereby repealed.</p> <p>(2) Without prejudice to the Interpretation Act, nothing in this law shall invalidate or otherwise affect anything done or purported to be done under the repealed Act.</p>	<p>LFN 2004 is repealed.</p> <p>(2) Without prejudice to the provisions of the Interpretation Act, nothing in this Act shall invalidate or otherwise prejudicially affect anything done or purported to be done under the repealed Act.</p>		
130		<p>124.Savings</p> <p>(1) As from the commencement of this Act, all assets, rights, liabilities and obligations of the Nigerian Postal Service shall vest in the Commission.</p> <p>(2) Notwithstanding the provisions of this Act and subject to such directions as may be issued by the Commission, any person who was an employee of the Nigerian Postal Service may be deemed to be an employee of the Commission.</p>	Deleted	
	PART 32 – TRANSITIONAL PROVISIONS		Deleted	
131	<p>109. (1) by this Bill there shall be vested in the Commission immediately at the commencement of this Bill, all assets, funds, resources and other movable and immovable property which immediately before the commencement of this Bill were vested in the Nigerian Postal Services.</p> <p>(2) The rights, interests, obligations and liabilities of the Nigerian Postal Services, existing before the commencement of this Bill under any contract or instrument, or in law or in equity shall by virtue of this Bill be deemed to have been preserved, assigned</p>		Deleted	

	<p>and vested in the Commission established by this Bill to the extent that they are not inconsistent with any provisions of the Bill.</p> <p>(3) any such contract or instrument as is mentioned in subsection (2) of this section shall be of the same force and effect against or in favour of the Commission established by this Bill and shall be enforceable as fully and effectively as if instead of the Commission existing before the commencement of this Bill, the Commission established by this Bill had been named therein or had been a party thereto provided such contract or instrument is not inconsistent with any of the provisions of this Bill.</p> <p>(4) The Commission established by this Bill shall be subject to all the obligations and liabilities to which the Nigerian Postal Service existing before the commencement of this Bill and all other persons shall have same rights, powers and remedies against the Commission established by this Bill as they had against the Nigerian Postal Service existing before the commencement of this Bill provided that such obligations, liabilities, rights, powers and remedies are not inconsistent with any of the provisions of this Bill.</p> <p>(5) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the Commission in respect of any right,</p>			
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	<p>interest, obligation or liability of the Nigerian Postal Service pursuant to the repealed Acts may be continued or, as the case may be, enforced by or against the Commission established by this Bill as if such proceeding or cause of action or determination was continued, commenced or enforced by or against the Commission under this Bill provided that such proceeding or cause of action or determination is not inconsistent with any of the provisions of this Bill.</p> <p>(6) The Minister if he thinks fit may, within twelve months after the commencement of this Bill, by order published in the Gazette, make additional transitional or saving provisions for carrying out the objectives of this Bill.</p>			
	PART 33 – DEFINITIONS AND SHORT TITLE		Deleted	
132	<p>110. In this Bill:</p> <p>"Access" means making available postal facilities and services by one licensee to another for the purposes of providing services;</p> <p>"Agreement" means an agreement, whether formal or informal, oral or written, express or implied;</p> <p>"authorized interception" means interception by the Commission permitted</p>	<p>125. Interpretation</p> <p>In this Act:</p> <p>"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;</p> <p>"Agreement" means an agreement, whether formal or informal, oral or written, express or implied;</p> <p>"authorized interception" means interception by the Commission or Postal Operator permitted under this Act;</p>	Deleted	<p>This clause is harmonized as Clause 72 of the Committee Recommendation</p>

<p>under this Act;</p> <p>"cargo" means any goods transported by road, air, sea, etc.;</p> <p>"Commission" means the Nigerian Postal Commission;</p> <p>"consumer" or "customer" means any person who uses a postal service;</p> <p>"courier service" means door-to-door, time sensitive and secured service;</p> <p>"direction" means a direction issued by the Commission;</p> <p>"Licensee" means a person who holds a licence granted under this Bill;</p> <p>"Minister" means the Minister for the time being charged with the responsibility for postal matters;</p> <p>"Publication" of any information by the Commission pursuant to this Act or its subsidiary legislation, except otherwise specified in any particular section of this Act, shall be deemed as sufficiently effected if it is posted at the Commission's website and published in at least two widely circulating national newspapers;</p> <p>publication" of any information by a licensee pursuant to this Bill or its subsidiary legislation, except otherwise</p>	<p>"cargo" means any goods transported by air, sea etc. and in this Act "express cargo or courier items" refer to time sensitive goods conveyed by means of transportation, including road, sea, air;</p> <p>"Commission" means the Nigerian Postal Commission established under section 2 of this Act;</p> <p>"consumer" means any person who uses a postal service;</p> <p>"courier service" means door-to-door, time-sensitive and secured service;</p> <p>"direction" means a direction issued by the Commission;</p> <p>"Licensee" means a person who holds a licence granted under this Act;</p> <p>"Minister" means the Minister for the time being charged with the responsibility for postal services;</p> <p>"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;</p> <p>"publication" of any information by the Commission pursuant to this Act or its subsidiary legislation, except otherwise</p>		
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	<p>specified in any particular section of this Bill, shall be deemed as sufficiently effected if it is - officially sent to the Commission; published at the licensee's website;</p> <p>made publicly and readily available to any member of the public at the licensee's offices that deal with or relate howsoever with its consumers; and if the Commission so directs, published in at least one national newspaper</p> <p>"Register" means any of the registers established or maintained by the Commission for the purposes of this Bill;</p> <p>"Minister of Finance" means the Federal Minister for the time being charged with the responsibility for Finance;</p> <p>"President" means the President of the Federal Republic of Nigeria;</p> <p>"Service" except where the context otherwise requires, means applications, content, network or facilities services or any combination of these services.</p>	<p>specified in any particular section of this Act, shall be deemed as sufficiently effected if it is published;</p> <p>"publication" of any information by a licensee pursuant to this Act or its subsidiary legislation, except otherwise specified in any particular section of this Act, shall be deemed as sufficiently effected if it is:</p> <p>(a) officially sent to the Commission;</p> <p>(b) made publicly and readily available to any member of the public at the licensee's offices that deal with or relate howsoever with its consumers; and</p> <p>(c) as the Commission may specify;</p> <p>"Register" means any of the registers established or maintained by the Commission for the purposes of this Act;</p> <p>"Reserved Postal Service" means postal services within the exclusive power of the public postal operator under section 102 of this Act;</p> <p>"Service Delivery Conditions" means basic principles with respect to service delivery;</p> <p>"cross subsidization" means the practice of using surplus revenues generated from one product or service to support another service</p>		
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		<p>which is priced at a rate that is less than full compensation;</p> <p>"dominant position" means a postal operator that has the largest market share of the postal industry in terms of coverage, products and services;</p> <p>"equipment" means any equipment or apparatus used or intended to be used for postal purposes and that is part of or connected to or comprises postal system;</p> <p>"false pretence" has the meaning assigned to it under section 419 of the Criminal Code;</p> <p>"fictitious or counterfeit postage 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 in any part of Nigeria;</p> <p>"Instrument" includes a direction, determination or declaration;</p> <p>"intercept" means the rural or other acquisition of the contents of any postal article;</p> <p>"lawful authority" means the official procedure as it relates to dealing in postal services;</p> <p>"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</p>		
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		<p>such communication and electronic mail;</p> <p>"license" means an authorization granted by the Commission to an operator for the provision of postal services;</p> <p>"logistic services" means services which include haulage, conveyance, dispatch or delivery of items or goods weighing not less than 50kg;</p> <p>'Mandatory Postal Services' means postal services that are required to be provided by the Public Postal Operator under Section 94 of this Act;</p> <p>"Ministry" means the Federal Ministry for the time being charged with the responsibility of postal services;</p> <p>"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;</p> <p>"operator" means a person that operates postal services or a postal services provider in accordance with this Act;</p> <p>"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 Act its subsidiary legislation, it shall be sufficient if in the case of:</p>		
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		<p>(a) corporate body, it is represented by its competent officer; and</p> <p>(b) partnership, it is represented by a partner in the partnership or a competent employee of the partnership;</p> <p>"postage stamps" means any label, stamp or stamp impression for denoting any rate of postage payable in respect of postal articles and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, postcard or other articles whether such postage stamp is issued by the public postal authority or by the Government of any foreign country;</p> <p>"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;</p> <p>"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;</p> <p>"postal matter" includes a letter, stamp, postal order, money order, mail bag, seal or any other postal item;</p>		
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		<p>"PPP" means Public Private Partnership;</p> <p>"Private Postal Operator" means any postal operator other than the Public Postal Operator;</p> <p>"Public Postal Operator" means the Nigerian Postal Service Limited designated for the provision of universal service under Subsection 83(1) of this Act;</p> <p>"Transactions" means delivery of goods, including parcels, documents, merchandise and cargo;</p> <p>"UPS Fund Board" means the Board established under section 85 of this Act;</p> <p>"UPS Fund" means Universal Postal Service Fund;</p> <p>"UPU" means the Universal Postal Union;</p> <p>"Unlicensed Postal Operator" means a person who operates a postal service without being licensed under this Act;</p>		
133	111. This Act may be cited as the Nigeria Postal Bill 2015	<p>126. Short title</p> <p>This Act may be cited as the Nigeria Postal Bill, 2017</p>	Deleted	This clause is harmonized as Clause 73 of the Committee Recommendation
	<p style="text-align: center;">SCHEDULES</p> <p>First Schedule</p> <p>SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF THE COMMISSIONERS</p> <p>Proceedings of the Board</p> <p>1. Subject to the provisions of this Bill and section 27 of the Interpretation Act, the</p>	<p>FIRST SCHEDULE - Section 3(5)</p> <p>SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION</p> <p>1. Proceedings of the Commission</p> <p>1. Subject to the provisions of this Act, the Commission may make standing orders regulating its proceedings or that of any of its</p>	Deleted	

	<p>Board may make standing orders regulating its proceedings or that of any of its Committees.</p> <p>2. The Chairman shall preside at every meeting of the Commission 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.</p> <p>3. The quorum for any meeting of the Board shall be a simple majority of the members for the meantime constituting the Board provided that, such majority shall appoint one of their numbers to preside at the meeting.</p> <p>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 4 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 14 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 4 times in each calendar year.</p> <p>5. A member of the Board who directly or</p>	<p>Committees.</p> <p>2. The Chairman shall preside at every meeting of the Commission 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.</p> <p>3. The quorum for any meeting of the Commission shall be a simple majority of the members for the meantime constituting the Commission</p> <p>4. The Commission shall meet to transact its business pursuant to this Act 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 Commission specifying, amongst others, an agenda for the meeting, the Chairman shall summon a meeting of the Commission 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 Commission shall for the purposes of this Act meet not less than four times in each calendar year.</p> <p>5. A member of the Commission 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 Commission, or is personally interested in any contract made or proposed to be made</p>		
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	<p>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, Councilor for Postal Service Fund 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.</p> <p>6. A disclosure under paragraph 5 of this Schedule shall be recorded in the minutes of meetings of the Board and the member concerned:</p> <p>(a) shall not after the disclosure take part in any deliberation or decision of the Board or vote on the matter; and</p> <p>(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.</p> <p>Committees</p> <p>7. (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 report on any matter with which the Commission concerned.</p> <p>(2). A Committee appointed under this paragraph shall:</p> <p>(a) consist of such number of persons</p>	<p>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 Commission.</p> <p>6. A disclosure under sub-paragraph 5 of this paragraph shall be recorded in the minutes of meetings of the Commission and the member concerned:</p> <p>(a) shall not, after the disclosure, take part in any deliberation or decision of the Commission or vote on the matter; and</p> <p>(b) shall be excluded for the purpose of constituting a quorum at any meeting of the Commission for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.</p> <p>Committees</p> <p>2. (1) Subject to its standing orders, the Commission may appoint such number of standing or ad hoc Committees as it thinks fit to consider and report on any matter with which the Commission concerned.</p> <p>(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 Commission, provided that the appointment of a non-commission member as a Committee member shall be subject to such terms and conditions as the Commission may determine.</p>		
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	<p>who may not necessarily be members of the Board as may be determined by the Board provided that the appointment of a non-Board member as a committee member shall be subject to such terms and conditions as would indicated in his letter of appointment; and</p> <p>(3) The quorum of any Committee set up by the Board shall be as may be determined from time to time by the Board.</p> <p>(4) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.</p> <p>Miscellaneous</p> <p>8. 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 authorised by the Board to act for that purpose.</p> <p>9. Any contract or instrument which, if made by a person not being a body corporate, would not be made or required to be under seal may be made or executed on behalf of the Commission, Councilor Universal Postal Service Fund by any person generally or specifically authorized by the Board to act for that purpose.</p> <p>10. Any document purporting to be a contract, instrument or other document</p>	<p>Miscellaneous</p> <p>3. (7). 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 Commission generally or specifically authorised by the Commission to act for that purpose.</p> <p>8. 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 Commission to act for that purpose.</p> <p>9. 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.</p>		
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	<p>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 have been so signed or sealed.</p> <p>11. 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:</p> <p>(a) any vacancy in the membership of the Board or Committee;</p> <p>(b) any defect in the appointment of a member of the Board or Committee or</p> <p>(c) reason that any person not entitled to do so took part in the proceedings of the Board or Committee.</p> <p>12. No member of the Board or the Board's Committee shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Commission.</p>	<p>10. Subject to the provisions of this Act, the validity of any proceedings of the Commission or of any of its Committees shall not be affected by:</p> <p>(a) any vacancy in the membership of the Commission or Committee;</p> <p>(b) any defect in the appointment of a member of the Commission or Committee; or</p> <p>(c) reason that any person not entitled to do so took part in the proceedings of the Commission or Committee.</p> <p>11. A member of the Commission or 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.</p>		
	<p>SECOND SCHEDULE</p> <p>CONFLICT OF INTEREST</p> <p>1. Subject to the provision of this Schedule, no Commissioner or staff of the Commission shall 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.</p> <p>2. Subject to paragraphs 3 and 4 of this</p>	<p>SECOND SCHEDULE - Section 14(3)</p> <p>CONFLICT OF INTEREST</p> <p>1. Subject to the provisions of this Schedule, a member of the Commission 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.</p> <p>2. Subject to paragraphs 3 and 4 of this Schedule, a member of the Commission or</p>	Deleted	

	<p>Schedule, each Commissioner or staff of the Commission shall on an annual basis present a written declaration affirming the non-existing of any such interest as is specified in paragraph 1 and shall pledge to disclose and inform the Commission of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Commission.</p> <p>3. Serving Commissioners and staff of the Commission as at the commencement date of this Act shall be entitle to a maximum of six month from the said commencement date within which to divest themselves of their direct or indirect financial interests or investment in any Nigerian communications company, if any.</p> <p>4. All newly appointed Commissioners and staff of the Commission shall after the commencement of this Act be entitled to a maximum of 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.</p> <p>5. Each Commissioner or 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:</p>	<p>staff of the Commission shall on an annual basis 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 Commission of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Commission.</p> <p>3. Members of the Commission and staff of the Commission as at the commencement date of this Act shall be entitled to a maximum of 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.</p> <p>4. All newly appointed members of the Commission and staff of the Commission shall after the commencement of this Act be entitled to a maximum of 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.</p> <p>5.Each member of the Commission 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:</p>		
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<p>(a) knowingly has; or</p> <p>(b) knows any member of his immediate family to have in any aspect of the Nigerian postal industry.</p> <p>6. If a Commissioner 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 be liable, on conviction, to a fine not exceeding ₦100,000.00 or imprisonment not exceeding 1 year or both.</p> <p>7. Subject to paragraph 8 of this Schedule, the Board may from time to time waive the application of the prohibitions specified in paragraph 1 and 2 of this Schedule to any Commissioner or staff of the Commission if the Board determines that the financial interest of the relevant person is not of a material nature or is minimal.</p> <p>8. The Commission in determining whether or not the interest of a Commissioner or staff of the Commission is minimal or not of a material nature shall consider factors including but not limited if the following:</p> <p>(a) the revenues, investments, profits and managerial efforts of the relevant company or other entity in regard to its communication activities compared with</p>	<p>(a) knowingly has; or</p> <p>(b) knows any member of his immediate family to have in any aspect of the Nigerian postal industry.</p> <p>6. If any member of the Commission 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 or imprisonment not exceeding 1 year or both.</p> <p>7. Subject to paragraph 8 of this Schedule, the Commission may, from time to time, waive the application of the provisions specified in paragraphs 1 and 2 of this Schedule to any member of the Commission or staff of the Commission if the Commission determines that the financial interest of the member of the Commission or staff of the Commission is not of a material nature or is minimal.</p> <p>8. The Commission, in determining whether or not the interest of a member of the Commission or staff of the Commission is not of a material nature will consider factors including but not limited to the following:</p> <p>(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</p>		
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	<p>other aspects of the company's or such entity's businesses;</p> <p>(b) the extent to which the Commission regulates and oversees the activity of such Company or entity;</p> <p>(c) the degree to which the economic interests of such company or other entity may be affected by an action of the Commission; and</p> <p>(d) the perceptions held or likely to be held by the public regarding the relevant person's financial interest or investment in that company or other entity.</p> <p>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 this Schedule to the affected Commissioner or staff of the Commission and the Board shall not be under an obligation to disclose the reason or basis for its review to the affected Commissioner or staff member.</p> <p>10. For the purposes of this Schedule: "Company" includes partnerships and undertakings;</p> <p>"Immediate family" means a person's spouse and children under the age of 18 years.</p>	<p>or such entity's businesses;</p> <p>(b) the extent to which the Commission regulates and oversees the activity of such company or entity;</p> <p>(c) the degree to which the economic interests of such company or other entity may be affected by an action of the Commission; and</p> <p>(d) the perceptions held or likely to be held by the public regarding the relevant holding or interest and issues at stake.</p> <p>9. The Commission 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.</p> <p>10. In any case in which the Commission exercises the waiver authority or the review thereof as specified in paragraphs 7 and 8 of this Schedule, the Commission 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</p>		
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		<p>person and the nature of the financial interest which is the subject of the waiver or the review thereof.</p> <p>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.</p>		
		<p>EXPLANATORY MEMORANDUM (This note does not form part of the above Act but is intended to explain its purport)</p> <p>This Bill repeals the Nigerian Postal Service Act, Cap N127, LFN, 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 service and the regulation of the postal sector and for other matters connected therewith.</p>	Deleted	