

GHANA POSTAL SERVICES CORPORATION ACT, 1995 (ACT 505)

ARRANGEMENT OF SECTIONS

Section

PART I—ESTABLISHMENT OF GHANA POSTAL SERVICES CORPORATION

1. Establishment of Ghana Postal Services Corporation
2. Object and functions of Ghana Post
3. Commercial operation of Ghana Post
4. The governing body of Ghana Post
5. Tenure of office of Board members
6. Functions of the Board
7. Meetings of the Board
8. Committees of the Board

PART II—ADMINISTRATION AND FINANCE

9. Director-General
10. Deputy Director-General
11. Secretary
12. Appointment of other staff of Ghana Post
13. Internal Auditor
14. General directions of the Minister
15. Financial objectives for Ghana Post
16. Capital and funds of Ghana Post
17. Borrowing powers and investment
18. Audit and accounts of Ghana Post
19. Exemption from taxes
20. Annual report
21. Payment into Consolidated Fund

PART III—PROVISION AND REGULATION OF POSTAL SERVICES

22. Provision of postal services

23. Sole authority to convey letters
24. Authorisation to operate courier service
25. Limitations on sole authority to convey letters
26. Postage stamps
27. Postal charges
28. Fraud in connection with philatelic business
29. Prohibition on sending by post of certain articles.
30. Power to detain and open prohibited articles
31. Power to open postal articles suspected to contain dutiable goods.
32. Mail on outward bound vessel
33. Mail on inward bound vessel

PART IV—OTHER OFFENCES, PENALTIES AND MISCELLANEOUS PROVISIONS

34. Unlawfully taking away or opening mail bag sent by postal services
35. Receiver of stolen mail bag or postal article
36. Unlawful use of stamps and franking machines
37. Unlawful interference with mail and entry into post offices premises by persons not employees of Ghana Post.
38. Prohibition of false notice as to reception of letters and sale of stamps.
39. Damage to post office letter box.
40. Evasion of post office laws
41. Detaining mail bags or postal articles
42. Unlawful disclosure of contents of postal articles
43. Penalties not specially provided for
44. Offences committed by a body of persons
45. Delivery and transmission of posts
46. Directions in the interest of national security
47. General restrictions on disclosing information
48. Investigation of complaints
49. Power to require information

- 50. Regulations
- 51. Interpretation
- 52. Repeal and savings
- 53. Vesting of assets and transfers
- 54. Existing courier operators

**THE FIVE HUNDRED AND FIFTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED**

THE GHANA POSTAL SERVICES CORPORATION ACT, 1995

AN ACT to establish the Ghana Postal Services Corporation to provide postal and allied services and for related purposes.

DATE OF ASSENT: 31ST AUGUST, 1995

BE IT ENACTED by Parliament as follows—

PART I—ESTABLISHMENT OF GHANA POSTAL SERVICES CORPORATION

Section 1—Establishment of Ghana Postal Services Corporation.

- (1) There is established by this Act a body corporate to be known as the Ghana Postal Services Corporation, referred to in this Act as “Ghana Post”.
- (2) Ghana Post shall have perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) Ghana Post may, for and in connection with the discharge of its functions acquire, hold and dispose of movable and immovable property and enter into any contract or other transaction.

Section 2—Object and Functions of Ghana Post.

- (1) The object of Ghana Post is to provide postal services by operating a postal system in Ghana in accordance with the laws and international obligations of Ghana.
- (2) For the purposes of attaining its object, Ghana Post shall have power to—
 - (a) provide postal services;
 - (b) provide courier services;
 - (c) provide services for which money may be remitted by means of money order, postal order or otherwise;

- (d) provide philately services;
- (e) undertake agency services on behalf of the Government or any other body;
- (f) provide in the parts of post offices that are open to the public (whether for the transaction of postal business or otherwise) such other services as may conveniently be provided there; and
- (g) appoint agents for the purpose of giving effect to any or all of the functions of Ghana Post under this section.

Section 3—Commercial Operation of Ghana Post.

- (1) Ghana Post shall operate on sound commercial lines, having regard to efficiency and economy.
- (2) Revenues accruing to Ghana Post shall be sufficient—
 - (a) to meet all charges properly chargeable to revenue accounts;
 - (b) to enable Ghana Post to replace assets employed; and
 - (c) to make such allocations to general reserves as the Board considers adequate which shall be used for capital development, contingencies and such purposes as the Board may with the approval of the Minister and the Minister of Finance determine.

Section 4—The Governing Body of Ghana Post.

- (1) There is hereby established a governing body of Ghana Post which shall be a Board of Directors referred to in this Act as “Board”.
- (2) The Board shall consist of—
 - (a) a Chairman;
 - (b) a representative of the Minister;
 - (c) the Director-General; and
 - (d) four other persons at least two of whom shall be women.
- (3) The members of the Board shall be appointed by the President in consultation with the Council of State.

Section 5—Tenure of Office of Board Members.

- (1) The Chairman or other member of the Board other than the Director-General shall hold office for three years and may on the expiration of his term of office be re-appointed.
- (2) The Chairman or other member of the Board may resign his office by writing addressed through the Minister to the President and the President may request any member to resign his office or remove a member from the Board for stated reason.

(3) A member of the Board as well as any person co-opted under subsection (6) of section 7 of this Act may be paid such allowances as may be determined by the Board with the approval of the Minister of Finance.

(4) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause shall cease to be a member.

Section 6—Functions of the Board

(1) The Board shall be responsible for—

(a) ensuring the implementation of the object and functions of Ghana Post;

(b) the formulation of general policies for the proper management of Ghana Post and for ensuring that the policies are carried out by Ghana Post; and

(c) the sound and proper financial management of Ghana Post.

Section 7—Meetings of the Board.

(1) The Board shall ordinarily meet for the despatch of business at such times and at such places as the Chairman may determine but shall meet at least once in every three months.

(2) A special meeting of the Board shall be called upon a written request of a majority of the members of the Board addressed to the Secretary to the Board.

(3) At every meeting of the Board at which he is present, the Chairman shall preside and in his absence a member of the Board elected by the members present from among their number shall preside.

(4) A question proposed at a meeting of the Board shall be determined by a simple majority of members present and voting, and in the event of an equality of votes the person presiding shall have a second or casting vote.

(5) The quorum at a meeting of the Board shall be four members.

(6) The Board may co-opt any person to attend its meetings, but no person so co-opted is entitled to vote on a matter for decision by the Board.

(7) The validity of any proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

(8) Any member of the Board who has an interest in a contract proposed to be entered into with Ghana Post shall disclose in writing to the Board the nature of his interest and shall be disqualified from participating in any deliberations of the Board in respect of the contract.

(9) A member of the Board who infringes subsection (8) of this section shall be liable to be removed from the Board.

(10) Except as otherwise provided in this section the Board shall regulate the procedure for its meetings.

Section 8—Committees of the Board.

The Board may for the discharge of its functions appoint committees consisting of members of the Board or non-members or both and may assign to it such of its functions as the Board may direct, but a committee composed entirely of non-members may only advise the Board.

PART II—ADMINISTRATION AND FINANCE

Section 9—Director-General.

(1) There shall be appointed for Ghana Post a Director-General who shall be the chief executive of Ghana Post.

(2) The Director-General shall be appointed by the President in accordance with the advice of the Board given in consultation with the Public Services Commission and shall hold office on such terms and conditions as shall be specified in his letters of appointment.

(3) The Director-General shall subject to the directions of the Board on matters of policy be responsible for the direction of the business, administration and organisation of Ghana Post.

Section 10—Deputy Directors-General.

(1) There shall be appointed by the President in accordance with the advice of the Board given in consultation with the Public Services Commission two Deputy Directors-General for Ghana Post.

(2) The Deputy Directors-General shall hold office on such terms and conditions as may be specified in their letters of appointment.

(3) Subject to subsection (4) of this section the two Deputy Directors-General shall be responsible for Operations and Development, and Finance and Administration respectively.

(4) The two Deputy Directors-General shall be responsible to the Director-General in the performance of their functions under this Act.

(5) The Deputy Directors-General shall, subject to the provisions of this Act—

(a) assist the Director-General in the discharge of his functions and perform such other functions as the Director-General may delegate to them; and

(b) be responsible for the direction of the business of Ghana Post when the Director-General is absent from Ghana or is otherwise unable to perform his functions.

Section 11—Secretary.

Ghana Post shall have an officer to be designated as secretary to the Board who shall perform such functions as the Board or the Director-General may direct.

Section 12—Appointment of other Staff of Ghana Post.

(1) Ghana Post shall have such other officers and employees as may be necessary for the proper and effective performance of its functions.

(2) The staff of Ghana Post shall, subject to this Act perform such functions as the Director-General may assign to them.

(3) The President shall in accordance with the advice of the Board given in consultation with the Public Services Commission and on such terms and conditions as may be determined appoint the staff and employees of Ghana Post.

(4) The President may in accordance with article 195 (2) of the Constitution delegate the power of appointment of public officers provided in this Part.

(5) The Board may engage the services of such consultants and advisers as it may upon the recommendation of the Director-General determine.

(6) Other public officers may be transferred or seconded to Ghana Post or may otherwise give assistance to it.

Section 13—Internal Auditor.

(1) There shall be appointed for Ghana Post an internal auditor who shall be responsible to the Director General in the performance of his duties.

(2) The Internal Auditor shall prepare reports at such intervals as he considers necessary and submit the reports to the Director-General but the Internal Auditor shall submit quarterly reports through the Director-General to the Board.

(3) The Internal Auditor shall prepare, within three months of the end of each financial year, a report on the accounts of Ghana Post for that year and submit the report to the Director-General who shall submit the report to the Board and the Auditor-General.

Section 14—General Directions of the Minister.

The Minister may give to the Board such directions of a general character as to the discharge of the responsibilities of Ghana Post as appear to him to be required in the public interest and the Board shall ensure that effect is given to the directions.

Section 15—Financial Objectives for Ghana Post.

(1) The Minister shall determine, after consultation with the Board, the financial objectives which he considers reasonable for Ghana Post to achieve, and shall give notice to the Board of the determination.

(2) Ghana Post shall conduct its affairs with a view to achieving the financial objectives determined under subsection (1) and for the time being in force.

Section 16—Capital and Funds of Ghana Post.

Parliament may approve the provision to Ghana Post as working capital and also as moneys required for carrying out the functions of Ghana Post of such sum as the President may after consultation with the Cabinet determine.

Section 17—Borrowing Powers and Investment.

- (1) Ghana Post may obtain loans and other credit facilities on the guarantee of the Government from such banks as the Cabinet may approve.
- (2) Without prejudice to subsection (1) of this section Ghana Post may with the prior approval of the Minister and the Minister responsible for Finance, borrow money from any other source.
- (3) Ghana Post may borrow temporarily by way of overdraft or otherwise such sums as it may require to meet its current obligations or discharging its functions under this Act.
- (4) The Minister responsible for Finance may on behalf of the Government guarantee the performance of any obligation or undertaking of Ghana Post under this Act.
- (5) Ghana Post may make such investments as the Board considers appropriate.

Section 18—Audit and Accounts of Ghana Post.

- (1) Ghana Post shall keep proper books of account and proper records in relation to them and the books of accounts and records shall be in such form as the Auditor-General may approve.
- (2) The books of account of Ghana Post shall be audited by the Auditor-General or by an auditor appointed by him within six months after the end of each financial year.
- (3) The financial year of Ghana Post shall be the same as the financial year of the Government.

Section 19—Exemption from Taxes.

Ghana Post may be exempted from the payment of such taxes as the Minister for Finance may in writing and with the approval of Parliament direct.

Section 20—Annual Report.

- (1) The Board shall submit to the Minister as soon as practicable and in any event not more than four months after the end of each financial year a report dealing generally with the activities and operation of Ghana Post during the year to which the report relates and shall include—
 - (a) the audited accounts of Ghana Post and the Auditor-General's report on the accounts;
 - (b) a statement of Ghana Post's financial and operational plans for the next financial year; and
 - (c) such other information as the Board may consider necessary.
- (2) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with such statement as he may consider necessary.

Section 21—Payment into Consolidated Fund.

Subject to section 3 of this Act, at the end of each financial year where after the Board has made provision for bad and doubtful debts of Ghana Post, depreciation of assets, contribution towards staff pension and for other contingencies, there is any profit standing to the credit of Ghana Post,

the Minister for Finance after consultation with the Minister and the Board may direct that a portion of the profit shall be paid into the Consolidated Fund.

PART III—PROVISION AND REGULATION OF POSTAL SERVICES.

Section 22—Provision of Postal Services.

The Board shall ensure that there are provided throughout Ghana postal and courier services necessary to satisfy all reasonable demands for such services and so far as it is practicable.

Section 23—Sole Authority to Convey Letters.

Subject to sections 24 and 25 of this Act, Ghana Post shall have throughout Ghana the sole authority to convey letters from one place to another and to perform all the incidental services of accepting, receiving, collecting and delivering letters as well as services by means of which money may be remitted by postal order or money order or otherwise.

Section 24—Authorisation to Operate Courier Service.

(1) The Minister may grant a licence to any body corporate to operate a courier service in Ghana.

(2) Application for licence under subsection (1) of this section shall be made to the Minister and shall be accompanied with such documents and fees as the Minister may determine.

(3) Any licence granted under this Part for the operation of courier service shall be subject to such conditions as may be specified in the licence or as a part of the licence.

Section 25—Limitations on Sole Authority to Convey Letters.

(1) The sole authority conferred on Ghana Post under section 23 does not apply to the conveyance and delivery of the following—

(a) trade announcements, circulars, printed extracts from newspapers or advertisements, not addressed to any person;

(b) letters delivered by an employee of the sender or by the sender personally;

(c) letters delivered by a messenger employed by the sender especially for the delivery of letters;

(d) letters delivered by a friend of the sender without hire, reward or other profit;

(e) letters concerning goods delivered with the goods;

(f) documents issuing from a court or of any return in answer to it;

(g) letters carried in accordance with a licence issued under this Act;

(h) letters carried to or from the premises of a licensed communications services operator;

(i) bank instruments from one bank to another or from a bank to a government department; and

(j) letters delivered by a person who has a business interest in the letters and the collection of letters for that purpose.

(2) For the purposes of paragraph (j) of subsection (1) of this section a person has a business interest in a letter if—

(a) he is an employee of one of the correspondents or of a member of the same group as one of the correspondents and the letter relates to the business affairs of that correspondent; or

(b) he and one of the correspondents are employees of the same person or of different members of the same group and the letter relates to the business affairs of that person or, as the case may be, the employer of that correspondent.

(3) A person who without lawful excuse—

(a) does any act, or performs any service, which infringes the sole authority conferred on Ghana Post by this Act; or

(b) causes to be conveyed, or tenders or delivers in order to be conveyed, any letter by any means which infringes that sole authority, commits an offence and is liable on summary conviction to a fine of not more than ₵5 million or imprisonment not exceeding 2 years or both.

Section 26—Postage Stamps.

Ghana Post shall cause postage stamps of such kinds and denoting such values as the Board may determine to be issued for the purposes of this Act.

Section 27—Postal Charges.

(1) The Board shall publish notices at its offices and in the national newspapers specifying the charges and other terms and conditions on which it offers to supply postal goods and provide postal or courier services.

(2) The Board shall not increase the charges for the services provided by Ghana Post except with the approval in writing of the Minister.

Section 28—Fraud in Connection with Philatelic Business.

(1) Any person who—

(a) counterfeits any commemorative or definitive postage stamp; or

(b) uses without authority, proof of which shall be on him, stamp designs belonging to Ghana Post for any purposes; or

(c) continues to use commemorative and definitive postage stamps for postage purposes after the stamps have been demonetized or invalidated,

commits an offence and is liable on summary conviction to a fine of not less than ₵200,000 or more than ₵1 million or to imprisonment for a term not exceeding one year or to both.

Section 29—Prohibition on Sending by Post of Certain Articles.

No person shall send, cause to be sent or attempt to send by post—

- (a) any explosive, inflammable, dangerous, filthy, noxious or deleterious substance;
- (b) any sharp instrument not properly protected;
- (c) any living creature which is either noxious or likely to injure the postal articles in the course of conveyance by post or by any postal officer;
- (d) any indecent, obscene or seditious printing, painting, photograph, lithograph, engraving, book or card, or any other indecent, obscene or seditious article;
- (e) any postal article having or bearing on the cover of it any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character;
- (f) opium, morphine, cocaine or any other narcotic;
- (g) a postal article bearing any fictitious postage or purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal article in payment of stamp duty;
- (h) coins, bank notes, currency notes or securities of cheque, platinum, gold or silver whether manufactured or not or precious stones, jewels or other valuable articles; or
- (i) any printing, painting, photograph, lithograph, engraving, book or card which may be prejudicial to the public safety or to the peace and public order of any part of Ghana.

Section 30—Power to Detain and Open Prohibited Articles.

Where the Director-General has reason to suspect that any postal article contains anything in contravention of section 29, he may cause the postal article to be detained and opened, and, if it is found to contain such matter, he shall cause it to be destroyed or be forfeited to the State.

Section 31—Power to Open Postal Articles Suspected to Contain Dutiable Goods.

- (1) The Director-General may detain a postal article reasonably suspected to contain any goods in contravention of the customs laws; and an officer of Ghana Post may open the article in the presence of the person to whom the postal article may be addressed or his duly appointed agent.
- (2) Where the person or his agent after being duly notified fails or neglects to attend, the officer may open and examine the postal article.
- (3) After a postal article has been opened and examined under this section it shall be delivered to the person to whom it is addressed unless it is required for the purpose of any proceedings under this or any other enactment.

Section 32—Mail on Outward Bound Vessel.

- (1) The Master or person in charge of a vessel departing from Ghana shall give to the postmaster at the port from which that vessel is about to depart, notice in writing of the intended time of departure and the ports of call and destination of that vessel not less than twenty-four hours before the intended time of departure.

(2) The Master or person in charge of any such vessel shall receive on board his vessel any mail bag tendered to him and shall deposit the mail bag in a secure and dry place on board and shall deliver it on arriving at the port or place of its destination without delay.

(3) The Master or person in charge of any such vessel who receives on board mail bag for the purpose of conveying it to the port or place of his destination shall be entitled to demand and receive payment for the carriage of the mail at rates to be negotiated from time to time.

Section 33—Mail on Inward Bound Vessel.

(1) The Master or person in charge of a vessel arriving in Ghana carrying any postal articles shall without delay deliver them to a post office or to an officer of Ghana Post or to any person authorized in that behalf.

(2) The Master or person in charge of a vessel who fails to comply with subsection (1) of this section commits an offence and is liable on summary conviction to a fine of not less than ₵100,000 or more than ₵500,000 and in default of payment to imprisonment not exceeding 6 months.

PART IV—OTHER OFFENCES, PENALTIES AND MISCELLANEOUS PROVISIONS

Section 34—Unlawfully Taking Away or Opening Mail Bag Sent by Postal Services.

Any person who unlawfully takes away or opens a mail bag sent by any vessel or vehicle employed in the postal service for the transmission of postal articles under contract or unlawfully takes a postal article in the course of conveyance by post out of a mail bag commits an offence and is liable on summary conviction to a fine of not less than ₵500,000 or to imprisonment of not less than one year or more than five years.

Section 35—Receiver of Stolen Mail Bag or Postal Article.

Any person who receives any mail bag or mail or any postal article or any chattel or money or valuable security the stealing or taking or embezzling or concealing of which is an offence under this Act knowing the same to have been so stolen, taken, embezzled or concealed and to have been sent or to have been intended to be sent by post, shall be guilty of an offence and shall be liable to the same punishment as provided under section 34 of this Act.

Section 36—Unlawful Use of Stamps and Franking Machines.

(1) Any person who, with intent to defraud—

(a) removes from a postal article any postage stamp affixed to that postal article;

(b) removes from a used stamp a mark made on that stamp at a post office.

(c) knowingly uses a postage stamp which has been obliterated or defaced by a mark made on the postage stamp as having been previously used to prepay any postal article for the payment of any revenue, duty or tax; or

(d) tampers with a franking machine or knowingly superscribes a postal article with a franking machine which has been so tampered with,

commits an offence and shall be liable on summary conviction to a fine of not less than ₵200,000 or more than ₵1 million or to imprisonment for a term not exceeding one year or to both.

(2) Where a person has been charged with knowingly using a postage stamp which has been obliterated or defaced by a mark made on the postage stamp as having been previously used to prepay any postal article for the payment of any revenue, duty or tax, proof that he is the sender of the postal article on which the stamp is affixed shall be prima facie evidence that he is the person who used the stamp.

Section 37—Unlawful Interference with Mail and Entry into Post Offices Premises by Persons not Employees of Ghana Post.

(1) Any person who, not being an employee of Ghana Post or who is not engaged in connection with postal services—

(a) interferes in any way with any mail or postal article otherwise than in accordance with the provisions of this Act or regulations made under it; or

(b) fraudulently puts, alters, removes or erases any official mark on a postal article; or

(c) without permission enters any premises used for the purpose of the postal services and to which the public has no right of access, and refuses or fails to leave the premises when called upon to do so by a person employed on the premises; or

(d) willfully and unlawfully obstructs or impedes any employee of Ghana Post in the discharge of his duties in connection with postal services,

commits an offence and is liable on summary conviction to a fine of not less than ₵500,000 or more than ₵1 million or to imprisonment for a term not exceeding one year or to both.

Section 38—Prohibition of False Notice as to Reception of Letters and Sale of Stamps.

(1) No person shall, inscribe on any receptacle placed or maintained in any premises under his control or inscribe on the premises the words "post office" or "letter box" or any other words, letters, or marks which signify, imply or may lead the public to believe that it is a post office or post office letter box without the authority of the Director-General.

(2) No person shall, inscribe on any vehicle or vessel under his control, any words, letters or marks which signify, imply or may reasonably lead any person to believe that the vehicle or vessel is used for the conveyance of mails without the authority of the Director-General.

(3) No person shall, except with the written authority of the Director-General approved by the Board—

(a) sell, offer or expose for sale any postage stamp; or

(b) place or permit to be placed on his house or premises any words, letters or marks which signify or imply or may reasonably lead any person to believe that he is duly licensed to sell postage stamps.

(4) A contravention of any of the provisions of this section shall constitute an offence punishable on summary conviction by a fine of not less than ₵500,000 or more than ₵1 million or to imprisonment for a term not exceeding one year or to both.

Section 39—Damage to Post Office Letterbox.

Any person who wilfully destroys or damages any receptacle provided by Ghana Post for the reception of postal articles, or any notices on any such receptacle, commits an offence and is liable on summary conviction to a fine of not less than ₵200,000 or more than ₵500,000 or to imprisonment for a term not exceeding one year or to both.

Section 40—Evasion of Post Office Laws.

Any person who—

(a) knowingly and fraudulently puts into a post office anything in or upon which, or in or upon the cover of which, there is any letter, newspaper, or any other thing or any writing or mark, contrary to this Act; or

(b) wilfully makes any false declaration of the contents of anything sent by post; or

(c) knowingly and fraudulently sends by post anything which purports to be a thing falling within any exemption or privilege granted under this Act in respect of postal articles.

commits an offence and is liable on summary conviction to a fine of not less than ₵200,000 or exceeding ₵500,000 or to imprisonment for a term not exceeding one year or to both.

Section 41—Detaining Mail Bags or Postal Articles.

Any person who fraudulently retains or wilfully conceals or makes away with or keeps or detains, or when required by an employee of Ghana Post, neglects or refuses to deliver any mail bag or postal article in the course of transmission by post which ought to have been delivered to the addressee commits an offence and is liable on summary conviction to a fine of not less than ₵500,000 or more than ₵2 million or to imprisonment not exceeding one year or to both.

Section 42—Unlawful Disclosure of Contents of Postal Articles.

Any person who reveals, discloses, or in any way makes known the contents of any postal article opened in accordance with the provisions of this Act except in so far as may be necessary for the purpose of returning the postal article to the sender, or in so far as may be authorised by the Director-General in writing, shall be guilty of an offence and liable on summary conviction to a fine of not less than ₵500,000 or more than ₵2 million or to imprisonment not exceeding one year or to both.

Section 43—Penalties not Specially Provided for.

Any person who contravenes or fails to comply with any provision of this Act for which no penalty is provided by this Act shall be guilty of an offence and shall be liable to a fine of not less than ₵200,000 or to imprisonment exceeding six months or to both.

Section 44—Offences Committed by a Body of Persons.

(1) Where any offence under this Act is committed by a body of persons—

(a) in the case of a body corporate every director or officer of that body corporate shall be deemed to be guilty of that offence; and

(b) in the case of a partnership or firm every partner of the partnership or firm shall be deemed to be guilty of that offence.

(2) No person shall be deemed to be guilty of an offence under subsection (1) of this section if he proves that the act in respect of which he is charged was committed by some other person without his consent or connivance and that he exercised all such diligence to prevent the commission of that act as he ought to have exercised having regard to all the circumstances.

Section 45—Delivery and Transmission of Posts.

For the purpose of this Act—

(a) a postal article shall be deemed to be in course of transmission by post—

(i) from the time of its being posted at or delivered to a post office; or

(ii) from the time of its being delivered to or taken delivery of by the addressee or his agent; or

(iii) when it is being returned to the sender or otherwise disposed of under the provisions of this Act.

(b) a postal article shall be deemed to cease to be such from the time of its being delivered to or taken delivery of by the addressee or his agent or of its being returned and delivered to the sender or otherwise disposed of under the provisions of this Act;

(c) the placing of a postal article in any receiving box for the deposit of postal articles, or the delivery of an article to an employee of Ghana Post in the course of his duties, shall be deemed to be delivered to a post office;

(d) the delivery of a postal article at the house or office of the addressee or to the addressee or to his servant or agent or any other person considered to be authorised to receive the article according to the usual manner of delivery of postal articles to the addressee, or the inclusion of a postal article in the addressee's private box or bag or, where the addressee is a guest or is resident at a hotel, delivery to the proprietor or manager or his agent, shall be deemed to be delivery to the addressee.

Section 46—Directions in the Interest of National Security.

(1) The Minister may, after consultation with Ghana Post, give to Ghana Post directions of a general or specific character where it appears to the Minister to be requisite or expedient in the interest of national security or of relations with the government of a country or territory outside Ghana.

(2) Ghana Post shall give effect to any direction given to it by the Minister under this section notwithstanding any other duty imposed on it by or under this Act.

(3) The Minister responsible for Finance may with the approval of cabinet seek grants from Parliament to Ghana Post for losses it may sustain through compliance with a direction given under this section.

Section 47—General Restrictions on Disclosing Information.

(1) No information which relates to the private affairs of any individual or to any particular business which has been obtained under or by virtue of this Act shall be disclosed without the consent of that individual or the person for the time being carrying on that business.

(2) Subsection (1) does not apply to information which is disclosed—

(a) for the purpose of facilitating the performance of any function of Government; or

(b) in connection with the investigation of any criminal offence or for the purpose of any criminal proceedings; or

(c) for the purpose of any civil proceedings brought under or by virtue of this Act.

Section 48—Investigation of Complaints.

(1) A person aggrieved in connection with any service provided by Ghana Post or any agency of Ghana Post may bring a complaint to the Board and the Board shall investigate the complaint (other than one appearing to the Board to be frivolous) and having regard to international obligations to which Ghana Post may be subject, take such decision as it considers fair and equitable to redress the grievance including where necessary, the payment of compensation to the complainant.

(2) A person who is dissatisfied with a decision of the Board made pursuant to sub-section (1) of this section may address a petition to that effect to the Minister.

(3) The Minister shall consider any petition which is addressed to him (other than one appearing to him to be frivolous) by or on behalf of any person dissatisfied with a decision of the Board made pursuant to subsection (1) and direct as he thinks appropriate.

(4) The provisions of this section is without prejudice to any right of action to the courts.

Section 49—Power to Require Information.

(1) The Board may, for the purpose of discharging any of its duties under this Act by notice in writing signed by the Chairman of the Board—

(a) require any person to produce, at a time and place specified in the notice, to the Board, to any person appointed by the Board for the purpose, any documents which are specified or described in the notice and are in the person's custody or under his control; or

(b) require any person carrying on any business to keep such records and furnish to the Board copies of such records and such estimates, returns or other information as may be specified or described in the notice, in which the estimates, returns or information are to be furnished;

but no person shall be compelled for any such purpose to produce any documents which he could not be compelled to produce in proceedings before a court or, in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.

(2) A person who—

(a) intentionally alters, suppresses or destroys any document which he has been required by any such notice to produce; or

(b) in furnishing any estimate, return or other information required of him under any such notice, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

commits an offence and shall be liable on summary conviction to a fine of not less than €500,000 or to imprisonment not exceeding one year or to both.

(3) if a person defaults in complying with a notice under subsection (1), the court may, on the application of the Board make such order as the court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses incidental to the application shall be borne by the person in default or by any officer of a company or other association who is responsible for its default.

Section 50—Regulations.

The Minister on the advice of the Board may by legislative instrument make regulations for—

(a) operation of courier services;

(b) conditions under which compensation may be paid for the loss or damage of any parcel; and

(c) generally for carrying into effect the provisions of this Act.

Section 51—Interpretation.

In this Act unless the context otherwise requires—

“courier service” means any service for the receipt and delivery of urgent correspondence or items of value or both such as parcels and packets, not being letter service, and for which no postage stamp is required;

“fictitious postage stamp” means any facsimile or imitation or representation of any label, stamp or device for denoting postage issued under this Act;

“franking machine” means a machine for the purpose of making impressions on postal articles for the prepayment of postage, and includes any meter and franking or date stamping dice incidental thereto;

“group” means a body corporate and all of its wholly owned subsidiaries taken together;

“letter” includes any communication in written form which is directed to a specific person or address and includes postcards;

"mail" includes any conveyance by which postal articles are carried whether it be an aircraft, vessel, vehicle, cart, horse or any other conveyance, any person employed in conveying postal articles and any vessel used for the conveyance of postal articles by contract or otherwise in respect of postal articles conveyed by the vessel;

“mail bag” includes a bag, box, parcel or other envelope or covering in which postal articles in the course of transmission by post are conveyed whether it does or does not contain any such articles;

“Minister” means the Minister responsible for Transport and Communications;

“money order” means a money order issued by Ghana Post for payment under this Act;

“port” includes any harbour, river, lake roadstead and any other navigable water;

post office” includes any house, building, room carriage place or structure where postal articles are accepted, sorted, delivered, made up or despatched or used for any other postal purpose or for the acceptance, transmission or delivery of telegrams and any pillar posting box or other receptacle provided for the reception of postal articles for conveyance;

“postage” means the free chargeable for the conveyance of postal articles by post;

“postal article” means a letter, postcard, reply postcard, letter-card, newspaper, book, packet, printed paper, pattern or sample packet, small packet or parcel and every other packet article when in course of conveyance by post and includes a telegram when conveyed by post;

“postal service” means any service by post;

“postal order” means a postal order issued by Ghana Post for payment under this Act;

“postmaster” means the officer in charge of a post office;

“sender” means the person from whom any postal article or telegram purports to have come unless that person proves that he is not the sender thereof;

“vessel” includes any boat, ship or hovercraft.

Section 52—Repeal and Savings.

(1) The following enactments are repealed—

Posts and Telecommunications Corporation Decree, 1975 (N.R.C.D. 311);

Posts and Telecommunications Corporation (Amendment) Decree, 1975 (N.R.C.D. 336); and

Posts and Telecommunications Corporation (Amendment) Law, 1988 (P.N.D.C.L. 202).

(2) Notwithstanding the repeal under subsection (1) of this section, any statutory instrument made under the repealed enactment and in force on the coming into force of this Act shall continue to apply unless revoked under this Act.

Section 53—Vesting of Assets and Transfers.

(1) There shall be vested in Ghana Post such assets, rights, obligations and liabilities of the Posts and Telecommunications Corporation established under the Posts and Telecommunications Corporation Decree, 1975 (N.R.C.D 311) and are in force immediately before the coming into force of this Act as the President on the advice of the Minister and Minister for Finance shall direct.

(2) There shall be transferred to Ghana Post such persons being employees of the Posts and Telecommunications Corporation in existence immediately before the coming into force of this Act as the President on the advice of the Minister, the Ministers for Finance and Employment and Social Welfare and given in consultation with the Public Services Commission shall direct.

Section 54—Existing Courier Operators.

Any person who before the coming into force of this Act was operating a courier service in Ghana and intends to continue to so operate shall within six months of the coming into force of this Act apply for a licence under this Act.

Date of Gazette Notification: 15th September, 1995.