

LAWS OF SOUTH SUDAN

National Communications Postal Services Regulations, 2016



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**LAWS OF SOUTH SUDAN
NATIONAL COMMUNICATIONS POSTAL SERVICES
REGULATIONS, 2016**

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In accordance with the provisions of Section 39 read together with Section 92 of the National Communications Act, 2012, the Authority with the approval of the Competent Minister, issue and promulgate the following into Regulations:

CHAPTER I

Preliminary Provisions

1. Title and Commencement

These Regulations shall be cited as the National Communications Postal Services Regulations, 2016, and shall come into force on the date of its signature.

2. Repeal and Saving

Any existing regulations or orders, directives, rules and guidelines governing the subject of these Regulations is hereby repealed; provided that any orders issued or regulations made thereunder, except to the extent they are cancelled by or are otherwise inconsistent provisions of these Regulations shall continue in force and effect until repealed or amended by these Regulations.

3. Interpretation

In these Regulations, all words and expressions that are defined under the Communications Act, 2012, shall have the same meanings herein; unless the context otherwise requires

“Act”	means the National Communication Act, 2012.
“Postal Services”	means collection, transmission, distribution and delivery of postal articles, materials or electronic objects and all types of postal financial services, documents and issuance of all types of postal stamps, including private letterboxes.
“Postal Article”	means inward and outward correspondence.
“Post”	means any system for collection, dispatch, conveyance, handling and delivery of postal articles.

“Commemorative Stamps”	means postage stamps used as mark of honour for events or matters of national or international significance and for philatelic purposes with validity period of five years from the date of issue;
“Definitive Stamp”	means stamps depicting nature or natural heritage and which are valid for a maximum period of ten years from date of issue.
“Extra-Territorial Office of Exchange (ETOE)”	means an office of exchange operated by or in connection with postal licensee outside its national territory.
“Post Code”	means any numeric or other code that identifies postal zones and individual post offices within the country, for purposes of simplified mail distribution.
“Postal Licensee”	means the South Sudan Postal Corporation and any other organisation licensed to provide unreserved postal services, including courier companies, transporters, freight, forwarders, delivery companies and direct marketing companies that handle postal articles.
“Public Postal Licensee”	means the South Sudan Postal Corporation
“Reserved Postal Services”	means the postal services reserved for the Public Postal Licensee which Includes: <ul style="list-style-type: none"> a. collection, transportation, sorting, and delivery, for hire or reward of letters and postcards weighing up to 380 grams, but not including exempted letters sent by licensed courier, letters accompanying goods at the time of delivery, newspapers, magazines, books, non-addressed leaflets, catalogues, and trade announcements letters delivered otherwise than for reward, letters delivered by an employee of the sender, letters containing any writing or proceeding from court or any legal instrument of any kind and, letters carried to premises of provider of electronic mail service, for the purpose of transmission by electronic mail;

- b. production and issuance of postage stamps, pre-stamped envelopes, aerograms, and international reply coupons bearing the official national coat of arms or words "Republic of South Sudan", "South Sudan" or "South Sudan Postal Corporation"; and
- c. rental or lease of private letter boxes or postal bags including the issuance of postal addresses and postcodes.

<p>"Terminal Dues"</p> <p>administration of the destination of the postal article.</p>	<p>means remuneration by administration of the origin of postal article to</p>
<p>"Universal Postal Services"</p>	<p>means consistent supply of basic postal services at affordable prices at all points within the country.</p>
<p>"Universal Service Obligations"</p>	<p>means obligations assumed by public postal licensee by virtue of licence granted by the Authority under the Act to provide universal postal services.</p>
<p>"Unreserved Postal Services"</p>	<p>means courier services, counter services, money orders, electronic bill payment, parcel collection, transport and delivery, expedited mail service, overnight mail services, and other ways of handling postal articles not defined as reserved postal services.</p>

CHAPTER II

Delivery of Postal Articles and Issuance of Postage Stamps

4. Delivery and Acceptance

Any postal article shall be considered to have been:

- a. delivered to the addressee:
 - i. when it is delivered into private letter box or bag of the addressee;
 - ii. when it is left at house, or office of addressee as set out thereon, or with employee, agent or any other person authorised to receive it; or
 - iii. when the addressee is guest or is resident at hotel, hostel or lodging, when it is left with proprietor or manager of the hotel, hostel or lodging or with his agent; or
- b. Received by postal licensee, when it is deposited into a posting box or handed over to employee or agent of postal service operator authorised to receive it. 0955125001

5. Postal Licensees to Make Rules

1. A postal licensee shall submit to the Authority, for approval, terms and conditions of services it offers relating to:
 - a. letters;
 - b. parcels;
 - c. documents;
 - d. financial services;
 - e. registered items;
 - f. insured items;
 - g. post restante;
 - h. private boxes or bags; and
 - i. any other services as may be introduced by the licensees.
2. Any postal licensee shall, annually publish terms and conditions relating to services prescribed in sub - regulation (I) of this Regulation, that has been approved by the Authority.

6. Issuance of Postage Stamps

1. The public postal licensee shall issue postage stamps that:
 - a. are of best quality;
 - b. cannot be easily replicated; and
 - c. are engraved with subjects that are consistent with the broad philatelic objectives of South Sudan.
2. When considering any expedient issuance of definitive commemorative and special stamps and related activities, the public postal licensee shall be fair to all interested parties.
3. Definitive stamp shall:
 - a. be issued once in every five years;
 - b. run for period of not less than five years and not exceeding ten years;
 - c. concern subject matters approved by the Authority, at least thirty (30) days before the issue; and
 - d. bear face values chosen by the public postal licensee.
4. Commemorative stamp may be issued at such intervals as the public postal licensee determines to be commercially viable and shall:
 - a. concern any subject matter approved by the Authority at least fourteen days before the issue; and
 - b. bear face values chosen by the public postal licensee.

7. Sale of Postage Stamps

1. The public postal licensee may enter into arrangement with any person to sell postage stamps on its behalf.
2. The public postal licensee shall develop standard terms and conditions for re-sale of stamps and submit them to the Authority for approval.
3. The Authority shall consider standard terms and conditions of re-sale of stamps submitted under sub-regulation (2) of this Regulation and communicate its decision to the public postal licensee within thirty days from date of submission of request for approval.

8. Illegal Manufacture and Unlawful Use of Postage Stamps

1. Subject to Section 45 of the Act, any person shall not:
 - a. without lawful authority, possess any dye, plate, instrument or contrivance used for the printing of postage stamps sold or used by the public postal licensee;

- b. manufacture, or without lawful excuse, possess any dye, plate, instrument or contrivance or part of any such dye, plate, instrument, or contrivance or of any materials, for making illegal stamps, or mark in imitation of, or similar to, or purporting to be any stamp or mark of the public postal licensee;
 - c. without lawful authority, make on postage stamp any mark in imitation of or similar to or purporting to be any stamp or mark of the public postal licensee; or
 - d. without lawful authority, stamp, mark, obliterate, print over or in any other way alter the original appearance of, or caused to be stamped, marked, obliterated, printed over or in any other manner to be altered the original appearance of any unused postage stamp issued by the public postal licensee.
2. The Authority shall confiscate any dye, plate, stamp, instrument, contrivance, or materials found in the possession of any person in contravention of this regulation.
 3. For purposes of this Regulation, an illegal stamp means any facsimile, imitation or representation, whether on paper or otherwise of any stamp for denoting any rate of postage used by licensee.

9. Issuance of Certificates of Posting

1. The public postal licensee shall at request of the sender of an unregistered postal article intended for transmission by letter box, give the sender certificate of posting of postal article upon payment of prescribed fee.
2. A certificate of posting of an article shall not entitle the sender to compensation or to right of return of an already accepted article and shall not be acceptable as proof of the nature of contents of the postal article to which it is related.

10. Disposing of Undeliverable Postal Articles

1. Domestic letters or other postal articles that cannot be delivered due to an undecipherable or nonexistent address or post code may be opened by postal licensee and where the letter or article is capable of being delivered based on information in the letter or article; the postal licensee shall deliver the letter or article delivered accordingly.
2. When a letter or postal article opened under sub-regulation (I) of this Regulation is incapable of being delivered, but contains the address of the sender, it shall be returned to the sender.
3. Every undeliverable postal article that has been opened and remains undeliverable may be kept for a minimum period of three (3) months and may thereafter be destroyed.
4. When the letter or postal article opened contains anything of value or saleable article, it shall be kept safely and record thereof opened and maintained by postal licensee for a

period of six months and if not claimed, the contents shall be disposed of in accordance with the relevant applicable law.

5. When a letter or postal article is opened as provided by this Regulation, the licensee shall affix mark on the letter or postal article indicating the:
 - a. date and time of opening;
 - b. period it has remained undelivered;
 - c. contents; and
 - d. manner the licensee decides to deal with the undelivered article.
6. When a letter or postal article is returned to the sender of being undeliverable as addressed and the sender refuses to take delivery, the letter or postal article shall be dealt with as provided under sub-regulation (3) of this Regulation.

11. Postal Articles of Deceased Persons

When postal licensee is satisfied that the addressee of postal article is dead, it may:

- a. retain the postal article and on production of the will or letters of administration to the estate of the addressee, together with written application of one or more of executors or administrators, deliver or release the article in accordance with such request; or
- b. treat the postal article in accordance with provisions of these Regulations that relate to undeliverable postal articles.

12. Prohibited Articles

1. All postal licensees shall, where applicable before accepting any item for postage, require the sender to declare its contents.
2. Subject to provisions of Section 44 or the Act, any person shall not send by post any:
 - a. explosive, inflammable, dangerous, noxious or deleterious substance, filthy, sharp instrument not properly protected or any article or thing whatsoever, likely to injure either other postal articles in the course or conveyance or any person handling the article;
 - b. article for export. import or carriage prohibited under any law in South Sudan, or, being subject to any restriction imposed by such law, is transmitted otherwise than in accordance with that restriction;
 - c. article which may not, under the law of the country to which it is addressed, be imported or transmitted by post;
 - d. article sent by post in any stamped or embossed envelope wrapper, card forms or paper in imitation or the one issued under the authority of the public postal licensee;

- e. any article or such form or colour or made up for transmission by post or likely, in the opinion of the postal licensee, to embarrass officers of organisations dealing with the article;
 - f. article bearing any stamp or impression of any stamping machine denoting payment of postage or fee imperfect or mutilated or defaced in any way or across written or printed or otherwise impressed.
 - g. an article whereon the payment of any postage or fees purports to be denoted by any stamp or impression which has been previously used to denote payment of postage or fees on any other postal article or any other stamp duty or tax;
 - h. betting advertisements relating to illegal business;
 - i. fortune telling advertisements;
 - j. sweepstake or lottery tickets, or advertisement and other notices in relations to sweepstake or lottery that are unlawful;
 - k. money lenders circulars that are enclosed;
 - l. article which infringes trademark or copyright laws;
 - m. sample packets consisting of literature for the blind and disabled persons containing any article liable to customs duty in the country or place of destination;
 - n. living creature, other than bees, leeches and silk worms, parasites or destroyers for noxious insects; and
 - o. other article prohibited from being posted or accepted for transmission by post under the Act or these Regulations.
3. The prohibited postal articles may, in exceptional circumstances, be sent by post in accordance with the First Schedule to these Regulations.
 4. Subject to provisions of Sections 97 and 98 of the Act, Any person that contravenes this Regulation commits an offence and shall, upon conviction, be punishable with fine not exceeding **South Sudanese Pounds equivalent of US Dollars One Hundred Thousand (USD 100,000)** or to imprisonment for period not exceeding one year or both.

13. Postal Security and Safety

1. Any postal licensee shall take reasonable steps to improve mail security and combat postal crimes that include among others:
 - a. mail violation;
 - b. mail bombs;
 - c. illicit drug trafficking or firearms; or
 - d. other crimes relating to postal articles and property.

CHAPTER III

Miscellaneous provisions

14. Compensation

1. Any Postal licensee shall, develop and file with the Authority its compensation policies for loss or damage of postal articles.
2. In case of an insured postal article, compensation shall be limited to the market value of the postal article even where it has been insured in excess of its value.
- 3.
4. Postal licensee shall not pay compensation:
 - a. when the article is a prohibited article and is not sent as provided under these Regulations;
 - b. in case of an insured postal article, where:
 - i. false statement has been made by sender of or addressee for the postal article;
 - ii. addressee of the postal article has signed and returned the delivery note without objection;
 - iii. any bill of exchange, bond, coupon, or other negotiable security particulars required to sufficiently identify the contents of postal article are not presented to the postal licensee; or
 - iv. Cover or seal of the article bears traces of theft or damage.

15. Use of Technology

Each postal licensee shall use appropriate technology to enhance the quality of its services and diversify postal services.

16. Universal Service Obligations

1. The Authority shall from time to time provide targets to postal licensees to facilitate the achievement of universal service obligations.
2. In providing targets for fulfilment of universal service obligations by postal licensees, the Authority shall have regard to:

- a. measurable quantity and quality of service standards for postal services, in relation to customer satisfaction;
 - b. speed, reliability and security of the service;
 - c. accessibility to and affordability of universal postal services; and
 - d. evolution in technological, economic and social environments.
3. The provision of universal postal services shall be the responsibility of the public postal licensee.
 4. Notwithstanding sub-regulation (3) of this Regulation, the Authority may require licensees for unreserved postal services to provide any universal postal services.
 5. The public postal licensee may provide universal postal services through contract, agency or franchise and the Authority shall not require such agent or franchisee to hold any licence under the Act.
 6. The public postal licensee shall notify the Authority of any contract, agency or franchise entered into under sub-regulation (5) of this Regulation.
 7. The public postal licensee shall not suspend provision of basic postal service, except in case of force majeure event including, among others, natural disasters, fire, explosion, war, strike, embargo, Government Regulation, civil or military authority.
 8. To the extent necessary to ensure maintenance of universal service, the Authority may continue to reserve services for public postal licensees.
 9. subject to provisions of sections 97 and 98 of the Act, any licensee who, contravenes this Regulation commits an offence and shall, upon conviction be punishable with fine of **South Sudanese Pounds equivalent of US Dollars One Hundred Thousand (USD 100,000)** for every month or part thereof during which such failure continues.

17. Extra-Territorial Offices of Exchange (ETOs)

1. A foreign postal licensee shall not establish any Extra-Territorial Office of Exchange in South Sudan or use the Universal Postal Union system without consent of the Authority.
2. Postal articles originating from any foreign country shall be considered to be commercial cargo upon arrival in South Sudan and shall be subject to customs clearance procedures.
3. Postal articles delivered by any foreign postal licensee to any address in South Sudan, shall pay terminal dues applicable under the Universal Postal Union system.

18. Offences and Penalties

Subject to provisions of Sections 97 and 98 of the Act, any person who contravenes these Regulations commits an offence and shall be punishable with fine not exceeding **South Sudanese Pounds equivalent of US Dollars One Hundred Thousand (USD 100,000)** or imprisonment for period not exceeding one (1) year or both.

SCHEDULE

Article	Qualification for acceptance
a. Dangerous drugs.	By insured box or by insured parcel post and only if sent for medical or scientific purposes to the country, which admits them when sent for those purposes.
b. Live bees, leeches, silkworms, parasites or destroyers of noxious insects used for the purposes of controlling those insects.	By letter post if addressed to officially recognized institutions.
c. Any postal article enclosed in an envelope with an open panel.	By the inland service.
d. Paper money not crossed for payment solely through Post Bank.	For transmission by the inland service by registered letter or registered parcel post, for transmission by the international service by registered letter post, insured letter post, or insured parcel post.
e. Jewellery and other valuables.	By registered letter post of insured parcel, or insured box.
f. Any postal article bearing the word "registered" or any other phrase to that effect and any article which by these regulations is required to be registered or subject to the provisions of these regulations and is of a monetary value.	By registered post.
g. Deleterious liquids, perishable biological substances or other similar substances.	By letter post at the letter rate of postage only if sent for medical examination or analysis to a recognized medical practitioner or qualified veterinary surgeon.

Article	Qualification for acceptance
h. Inflammable liquids	Having a flash point of thirty two degrees centigrade or above but lower than sixty five degrees centigrade, maximum amount of one litre
i. Radioactive liquids	Small quantities suitably packed, provided that when made up for the post radiation measured at the outside surface of a package does not exceed Len millicuries per twenty four hours by letter post at the letter rate of postage.
j. Any article liable to customs duty.	To countries which permit by law or regulations, the importation of such articles by post and by registered post if the law or regulations of the country or place of destination so requires.
k. Advertisements and publications relating to the treatment of general diseases or to any preparations for its prevention, care or relief.	If addressed lo a qualified medical practitioner or to any chemist



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