



LAWS OF MALAYSIA

ACT 465 POSTAL SERVICES ACT 1991 [REPRINT - 2001]

Incorporating latest amendment - Act A1120/2001

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ARRANGEMENT OF SECTIONS

An act to regulate the provision of postal services.

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I - PRELIMINARY

Section 1. Short title and commencement.

This Act may be cited as the Postal Services Act 1991 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Section 2. Interpretation.

In this Act, unless the context otherwise requires—

"authorized officer" means any officer employed by the Commission and authorized for the purposes of this Act by the Commission;

"Commission" means the Malaysian Communications and Multimedia Commission established under the Malaysian Communications and Multimedia Commission Act 1998 [Act 589];

"document exchange" means a place where documents are deposited for collection by the addressee;

"fictitious stamp" means any facsimile or imitation or representation, whether on paper or otherwise, of any postage stamp purporting to denote any rate of postage including any stamp purporting to denote a rate of postage of any other country;

"letter" means any form of written communication or other document that is directed to a specific person or a specific address and is to be conveyed other than by electronic means; and includes a packet, package, wrapper or

article containing any such communication;

"licence" means a licence granted under section 10;

"licensee" means any person licensed under section 10;

"mail bag" means any bag, box, basket, parcel, envelope or container in which postal articles in course of transmission by post are conveyed, whether it does or does not contain any such article;

"post office" includes every house, building, room, vessel, carriage or place where postal articles are received or delivered or where they are sorted, made-up or despatched and every post office letter box provided for the reception of postal articles, or where postal financial services under section 24 are carried out;

"postage" means the duty chargeable for the transmission by post of postal articles;

"postage stamp" means any label or stamp for denoting any rate of postage fee or other sum payable in respect of a postal article, and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, postcard or other article, whether such stamp is issued under this Act or under the law of any other country;

"postal article" means a letter, postcard, newspaper, book, document, pamphlet, pattern or sample packet, small packet, parcel, package or any other article or thing transmissible by post.

[Am. Act A1120.]

Section 3. Meaning of "in course of transmission by post" and "delivery".

For the purposes of this Act—

(a) a postal article shall be deemed to be in the course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the addressee, or its being returned to the sender or otherwise disposed of under this Act;

(b) a postal article shall be deemed to cease to be such from the time of its being delivered to the addressee, or of its being returned to the sender or otherwise disposed of under this Act;

(c) the placing of a postal article in any receiving box for the deposit of postal articles, or the delivery of a postal article to an officer of the licensee in the course of his duties shall be deemed to be delivery 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 other person considered to be authorized to receive the article according to the usual manner of delivering postal articles to the addressee, or to a box provided, pursuant to rules made under section 16, on or contiguous to any premises or the compound thereof for the receipt of postal articles bearing the address of those premises, and where the addressee is a guest or is resident at a hotel, delivery to the proprietor or manager thereof or his agent shall be deemed to be delivery to the addressee.

PART II - FUNCTIONS AND DUTIES OF THE COMMISSION

Section 4. Commission to perform functions and duties.

The Commission shall perform the functions and duties assigned to it under this Act.

Section 5. (Deleted by Act A1120).

(Deleted by Act A1120).

Section 6. Functions and duties.

(1) The Commission shall carry out such functions and duties as follows:

(a) to exercise regulatory functions in respect of the postal services provided by the licensee including the determination of performance standards and standards of facilities and services and the enforcement thereof;

(b) to ensure that the terms and conditions stated in a licence granted under section 10 are complied with;

(c) to promote competition in providing for postal services;

(d) to promote the interests of users of postal services supplied by licensees in respect of—

(i) the prices to be charged;

(ii) the continuity of postal services; and

(iii) the quality of the postal services provided;

(e) to secure that all reasonable demands for postal services are satisfied;

(f) to promote and encourage the expansion of postal services with a view to the economic development of Malaysia;

(g) to regulate the fixing of the rates of postage and other fees or sums to be charged in respect of postal articles sent under this Act;

(h) to regulate the fees and commissions on postal financial services;

(i) to regulate the performance of postal financial services on behalf of government and non-government agencies;

(j) to regulate the issuance of postage stamps including definitive, commemorative and special issues of postage stamps and any other philatelic items; and

(k) *(Deleted by Act A1120);*

(l) to carry on all such other activities as may appear to the Commission requisite, advantageous or convenient for the purpose of carrying out or in connection with the performance of its functions and duties under this Act.

(2) The Commission may authorize the Chairman of the Commission and any authorized officer to carry out any of the functions and duties set out in subsection (1).

Section 7. Special powers in emergency or in the national or public interest.

(1) The Yang di-Pertuan Agong may, on the occurrence of any industrial unrest, strike, lockout or any other event which gives rise to an emergency, or in the interest of national or public security, authorize the Commission to—

(a) suspend the licence of any licensee and take temporary possession of any post office under the control of any such licensee;

(b) withdraw either totally or partially the use of any postal service or facility from any person or class of persons or from the public at large; or

(c) order that any postal article or class of postal articles or any letter or class of letters to or from any person or class of persons or relating to any specific subject shall not be conveyed or shall be intercepted or detained and delivered to any officer mentioned in the order to be opened, examined or dealt with in such manner as the Yang di-Pertuan Agong may direct, or that any such postal article or postal articles or letter or letters or the records thereof shall be disclosed to an officer mentioned in the order.

(2) The Yang di-Pertuan Agong may also authorize any other officer employed by the Government to carry out the powers conferred under paragraph (1)(c).

(3) The licensee shall give all necessary assistance whenever required to do so by the Commission or an officer carrying out any of the powers conferred under this section.

(4) If any doubt arises as to the existence of any emergency or whether any act done under subsection (1) or (2) was in the interest of national or public security, a certificate signed by the Yang di-Pertuan Agong and exhibited at such places as the Minister deems fit shall be conclusive proof on the point.

(5) Where the Commission takes possession of any post office under paragraph (1)(a), adequate compensation shall be paid.

[Am. Act A1120.]

PART III - PRIVILEGE AND PROTECTION OF THE GOVERNMENT

Section 8. Exclusive privilege of the Government.

(1) The Government shall have the exclusive privilege of—

(a) conveying by post from one place to another whether by land, or by sea or by air, all letters;

(b) performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters, except those letters falling within any of the following categories, that is to say:

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

(B) letters delivered by an employee of the sender;

(C) letters delivered by a messenger employed by the sender especially for the purpose, not

being a person employed
or engaged in the course of his business or employment in delivering or procuring the delivery
of letters;

(D) letters exceeding two kilograms in weight per letter;

(E) letters concerning goods sent with the goods and delivered therewith;

(F) letters carried to or from a post office;

(G) letters carried in accordance with an agreement entered into by the licensee;

(H) transfers between document exchanges;

(I) letters carried to the premises of a provider of electronic mail services for the purposes of
being transmitted as
electronic mail, or letters carried from the premises of such a person after having been so
transmitted;

(J) letters carried and delivered by a private friend without hire, reward or other profit;

(K) letters carried and delivered personally by the sender.

(2) If any question arises as to whether or not any postal article is a letter within the meaning of this
Act, the decision of the Commission thereon shall be final.

[Am. Act A1120.]

Section 9. Exemption from liability for loss, misdelivery, delay or damage.

The Government and the Commission shall not be liable for any loss, misdelivery or delay of, or
damage to, any postal article in course of transmission by post, and no officer of the Commission
shall be liable for any such loss, misdelivery, delay or damage, unless he has caused the same
fraudulently or maliciously or negligently.

[Am. Act A1120.]

PART IV - LICENCE AND LICENSEE

Section 10. Power of Minister to grant, suspend or revoke licences.

(1) The Minister may grant a licence on such terms and conditions and in consideration of such
payments as he thinks fit to any person for the doing of any such act or the performance of any such
service falling within paragraphs 8(1)(a) and (b) as is specified in the licence; and anything done
under and in accordance with a licence granted under this section shall not constitute an infringement
of the privilege conferred by section 8.

(2) No licence shall be capable of being transferred unless the written consent of the Minister has
been given.

(3) The Minister may at any time suspend or revoke a licence granted under subsection (1) upon
breach of any of the terms or conditions imposed thereof or in default of the payment of any moneys
accrued and due thereunder.

(4) The licensee shall not be entitled to any form of compensation upon the suspension or revocation
of a licence under subsection (3).

[Am. Act A1120.]

Section 11. Power of licensee to erect letter boxes.

(1) The licensee may erect and maintain letter boxes or rural delivery boxes in any road, street, kampung, estate, reserve land or public place, under the control of any authority.

(2) Such letter boxes or rural delivery boxes shall not be so placed as to interfere with ordinary traffic.

Section 12. Exemption of licensee from liability for loss, misdelivery, delay or damage.

The licensee shall not be liable for any loss, misdelivery or delay of, or damage to, any postal article in course of transmission by post unless such loss, misdelivery, delay or damage was caused fraudulently or maliciously or negligently by any of the licensee's employees, servants or agents, as the case may be.

PART V - POSTAGE STAMPS AND POSTAL CHARGES

Section 13. Provision of postage stamps and power to make rules as to them.

(1) No person other than a licensee specially authorized by the Minister, may produce postage stamps.

(2) The Minister may cause such kinds of postage stamps to be provided as he may think necessary for the purposes of this Act.

(3) The Minister may make rules as to the supply, sale, use and validity of postage stamps, including the conditions with regard to perforation, defacement and all other matters subject to which postage stamps may be accepted or refused in payment of postage or other fees or sums.

Section 14. Postage stamps to be used for prepayment.

(1) Postage stamps provided under section 13 shall be used for the prepayment of postage or other fees or sums chargeable under this Act in respect of postal articles, except where the Minister directs that prepayment shall be made in some other way.

(2) The Minister may make rules for the use of postage stamps as prepayment of fees or other sums chargeable under any written law by any government agency or agency of the Commission for services rendered and for the recovery of the revenue thereof from the licensee.

[Am. Act A1120.]

Section 15. Exemption from postal charges.

(1) The Minister may make rules as to the exemption of the Government, its agencies or any class of persons from postal charges on letter-post items and from commissions, fees or other charges payable for services rendered.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may exempt letter-post items for charitable purposes from postal charges.

[Am. Act A1120.]

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES

Section 16. Power to make rules as to transmission by post of postal articles.

- (1) The Minister may make rules as to the transmission by post of postal articles.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may—
 - (a) provide for the performance of supplementary services in respect of transmission by post of postal articles;
 - (b) prescribe the special charges or fees to be charged for the supplementary services provided;
 - (c) require the owner or occupier of any premises to provide, on or contiguous to those premises or the compound thereof, boxes of such description as may be specified for the receipt of postal articles bearing the address of those premises;
 - (d) prohibit the transmission by post of postal articles not specified in section 17 or 18 or lay down special conditions on which articles, not specified in section 17 or 18, may be transmitted by post;
 - (e) provide for the payment of compensation for the loss or damage in course of transmission by post of postal articles, and the conditions under which such compensation may be paid and the limit of the amount of such compensation.
- (3) For the purposes of this section, supplementary services include the registration, insurance and storage of postal articles, *Poste Restante* and any other form of supplementary service.

Section 17. Transmission by post of anything injurious, etc., prohibited.

- (1) No person shall send by post any article or thing which is likely to injure any person or any postal article in course of transmission by post.
- (2) Except as otherwise provided by rules made under this Act and subject to such conditions as may be prescribed, no person shall send by post any explosive, inflammable, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure any person or any postal article in course of transmission by post.
- (3) Except under such rules as the Minister may make in this behalf, no person shall send by post opium, morphine, cocaine or any narcotic.
- (4) Nothing in this section shall affect the provisions of any written law relating to deleterious drugs.

Section 18. Transmission by post of any thing indecent, etc., prohibited.

No person shall send by post—

(a) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article;

(b) any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character;

(c) any postal article bearing any fictitious stamp or purporting to be prepaid with any postage stamp which has previously been used to prepay any other postal article or which has been previously used in payment of any stamp duty;

(d) correspondence containing any public lottery ticket or any advertisement of prizes or any other announcement relating to any public lottery, sweepstake or other gambling transaction; or

(e) any other article which the Minister may by rule prohibit.

Section 19. Minister to make rules dealing with prohibited articles.

The Minister may make such rules as he shall think fit for preventing the sending and delivery of articles prohibited by section 17 or 18 and for detaining, disposing of, or destroying any such postal article sent or tendered for transmission by post.

Section 20. Obligation of licensee to inform Commission.

(1) Whenever any postal article sent by post is reasonably suspected by the licensee to be sent in contravention of this Act or of any rules made thereunder or of any other written law, the licensee shall immediately inform and hand over such postal article to the Commission or any authorized officer.

(2) On receiving the aforesaid information an authorized officer shall detain such postal article for opening and examination.

Section 21. Disposal of postal articles detained under this Act.

(1) Subject to the provisions of this Act, if any postal article opened or examined under this Act is found to be in contravention, or to have been posted in contravention, of this Act or of any rules made thereunder or of any other written law, the Commission or any authorized officer may direct that the postal article be returned to the sender or forwarded to its destination, in each case charged with such additional postage (if any) as the Minister prescribes unless otherwise dealt with under subsection (2), (3), (4) or (5).

(2) Any postal article sent by post in contravention of section 17 may, under the direction of the Commission or any authorized officer be forfeited and destroyed.

(3) Any postal article sent by post in contravention of paragraph 18(a), (b), (d) or (e) may, under the direction of the Commission or any authorized officer, be destroyed or returned to the sender.

(4) Any postal article sent by post in contravention of paragraph 18(c) shall be dealt with as the Commission may direct.

(5) Notwithstanding any provisions in any written law to the contrary, if any postal article opened under this Act is found to be in contravention of the Customs Act 1967 [Act 235], it shall be handed

over to the Customs Department to be dealt with in accordance with that Act.

(6) Every postal article opened under this Act and found to contain any valuable or saleable enclosure shall, together with its contents, be safely kept pending its disposition under this section, and a list of any such postal articles together with a memorandum of the contents thereof shall be made and preserved.

(7) The detention, destruction or disposal under this Act of a postal article or its enclosure shall not relieve any person from liability for any offence under this Act or any other written law.

[Am. Act A1120.]

Section 22. Extension of sections 17, 18, 19, 20 and 21.

Sections 17, 18, 19, 20 and 21 shall apply to any article or thing sent from without Malaysia in like manner as to any article or thing sent from within Malaysia.

PART VII - UNDELIVERED POSTAL ARTICLES

Section 23. Power to make rules as to disposal of undelivered postal articles.

(1) The Minister may make rules as to the disposal of postal articles which, for any reason, cannot be delivered. Such articles are in this Part referred to as "undelivered postal articles".

(2) Such rules may—

(a) prescribe the period during which undelivered postal articles at a post office shall remain in that office;

(b) provide for the publication of lists of undelivered postal articles, or of any class of undelivered postal articles;

(c) provide for the manner in which undelivered postal articles shall be finally dealt with or disposed of.

PART VIII - POSTAL FINANCIAL SERVICES

Section 24. Power to provide for postal financial services and to make rules thereon.

(1) The Minister may allow the licensee to carry out postal financial services on its own account or on behalf of government and non-government agencies and may make rules as to such services.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe for the scope and extent of such financial services.

(3) For the purposes of this section, "postal financial services" shall include money orders, postal orders, postal drafts, postal cheques, postal travellers' cheques, giro, cash-on-delivery, collection of bills, savings service, subscription to newspapers and periodicals and any other form of financial service.

PART IX - OFFENCES AND PENALTIES

Section 25. Penalty for contravention of section 8.

(1) Any person who—

(a) conveys, otherwise than in accordance with the terms of a valid licence, any letter within the exclusive privilege conferred on the Government by section 8;

(b) performs any service incidental to conveying, otherwise than in accordance with the terms of a valid licence, any letter within the exclusive privilege aforesaid;

(c) sends or tenders or delivers in order to be sent, otherwise than in accordance with the terms of a valid licence, any letter within the exclusive privilege aforesaid; or

(d) makes a collection of letters within the exclusive privilege aforesaid for the purpose of sending them otherwise than in accordance with the terms of a valid licence,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit for every such letter.

(2) Any person who, having already been convicted of an offence under this section, is again convicted thereunder shall, on every such subsequent conviction, be liable to a fine not exceeding two thousand ringgit for every such letter.

Section 26. Penalty for contravention of section 17 or 18.

Any person who, in contravention of section 17 or 18, sends or tenders or makes over in order to be sent by post any postal article or other thing shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding one year, or to a fine, or to both.

Section 27. Penalty for defiling or injuring letter boxes.

Any person who places in or against any letter box provided by the licensee for the reception of postal articles any fire, match or light, or any explosive, dangerous, filthy, noxious, or deleterious substance or any fluid, or commits a nuisance in or against any such letter box, or does anything likely to injure any such letter box or its appurtenances or contents, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding one year, or to a fine, or to both.

Section 28. Penalty for affixing without authority any thing to, or disfiguring, a post office.

Any person who, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars, or in any way disfigures, any post office, shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit.

Section 29. Penalty for unlawfully detaining mails or opening mail bags.

Any person who, except under the authority of this Act or in obedience to the order in writing of the Minister or the Commission or the direction of a competent Court, detains the mails or any postal article in course of transmission by post or on any pretence opens a mail bag in course of

transmission by post shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand five hundred ringgit.

Section 30. Penalty for unlawfully retaining postal articles or mail bags.

Any person who fraudulently retains or wilfully secretes or makes away with or keeps or detains or when required by an authorized officer neglects or refuses to deliver up, any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding two years, and shall also be liable to a fine not exceeding four thousand ringgit.

Section 31. Penalty for unlawfully diverting letters.

Any person who, wilfully and maliciously with intent to injure any other person, either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding four thousand ringgit, or to both.

Section 32. Penalty for unlawfully disclosing contents of postal articles.

Any person who reveals, discloses or in any way makes known the contents of any postal article opened under the authority of this Act, except so far as may be necessary for the purpose of returning the same or so far as may be authorized by the Commission in writing, shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding one year, or to a fine, or to both.

[Am. Act A1120.]

Section 33. Penalty for making fictitious stamps.

(1) Any person who—

(a) makes or knowingly utters, deals in, hawks, distributes, or sells any fictitious stamp or knowingly uses for postal purposes any fictitious stamp;

(b) has in his possession without lawful excuse any fictitious stamp;

(c) makes, or without lawful excuse has in his possession, any die, plate, instrument or materials for making any fictitious stamp; or

(d) makes, issues or sends by post any stamped or embossed envelope, wrapper, card, form or paper in imitation of one issued under the authority of the licensee,
shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding two years, or to a fine, or to both.

(2) Any stamp, die, plate, instrument or materials found in the possession of any person in contravention of this Act may be seized and shall be forfeited.

(3) Forfeiture under this section may be declared by a Magistrate's Court, and all things forfeited shall be dealt with as the Court directs and the proceeds (if any) thereof paid into the Consolidated Fund.

(4) Nothing in this section shall be held to exempt any person from any punishment to which he may be liable under any other law.

Section 34. Prohibition of false notices as to reception of letters.

Any person who, without authority from the Commission, places or maintains in or on any house, wall, door, window, box, pillar, or other place, belonging to him or under his control, any of the following words, letters, or marks:

(a) the words "post office" or "postal office";

(b) the words "letter box", accompanied with words, letters, or marks, which signify or imply or may reasonably lead the public to believe that it is a post office letter box; or

(c) any words, letters, or marks which signify or imply or may reasonably lead the public to believe that any house or place is a post office, or that any box is a post office letter box,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit, and, if the offence is continued after a previous conviction, to a fine not exceeding one hundred ringgit for every day during which the offence so continues.

[Am. Act A1120.]

Section 35. Penalty for breach of licence.

Any licensee who without lawful excuse fails to comply with any term or condition expressed in the licence shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit for every such breach.

Section 36. Offences by body corporate.

Where an offence under this Act has been committed by a body corporate, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of the body corporate or was purporting to act in such capacity shall, as well as such body corporate, be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Section 37. General penalty.

Any person who contravenes any provision of this Act or any rules made thereunder shall be guilty of an offence and, if no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding two thousand ringgit.

Section 38. Penalty for abetting, or attempting to commit, offences.

Any person who abets the commission of any offence punishable under this Act, or attempts to commit any offence so punishable, shall, on conviction, be liable to the penalty provided for that offence.

Section 39. Magistrate's Court to have full jurisdiction.

Notwithstanding the provisions of any written law to the contrary, the Court of a First Class Magistrate may try any offence under this Act or any rules made thereunder and may impose the full penalty for such offence.

Section 40. Power of Chairman of Commission to compound offence.

(1) The Chairman of the Commission may, with the consent in writing of the Public Prosecutor, compound any offence committed by any person under this Act or any rules made thereunder and determined by the Minister to be a compoundable offence by rules made under this Act by making a written offer to the person suspected to have committed the offence to compound the offence upon payment to the Chairman of an amount of money not exceeding fifty percent of the amount of the maximum fine for that offence within the time specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and if the amount specified in the offer is not paid within the time specified in the offer or within such extended period as the Chairman may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(3) If an offence has been compounded under subsection (1), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made and any thing seized in connection with the offence may be released or forfeited by the Chairman, subject to such terms and conditions as he thinks fit.

(4) All sums of money received by the Chairman under this section shall be paid into and form part of the Federal Consolidated Fund.

[Sub. Act A1120.]

PART X - INVESTIGATION AND PROSECUTION

Section 41. Power of enforcement.

(1) The Minister may in writing authorize any public officer or officer of the Commission to exercise the powers of enforcement under this Act or any rules made thereunder.

(2) Any such officer shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

(3) In exercising any of the powers of enforcement under this Act or any rules made thereunder, an officer authorized under subsection (1) shall, on demand, produce to the person against whom he is acting the authorization issued to him by the Minister.

(4) Notwithstanding subsection (1), any police officer not below the rank of Inspector shall have and may exercise the powers of enforcement conferred under this Act or any rules made thereunder to an officer authorized under subsection (1).

(5) In exercising any of the powers of enforcement conferred under this Act or any rules made thereunder on a police officer not below the rank of Inspector, such police officer shall, if not in uniform, on demand, declare his office and produce to the person against whom he is acting such authority card as the Inspector General of Police may direct to be carried by such police officer.

[Sub. Act A1120.]

Section 42. Power to require attendance of witnesses.

(1) An officer authorized under section 41 who is exercising the powers of enforcement conferred under this Act or any rules made thereunder may by order in writing require the attendance before himself of any person who appears to the officer to be acquainted with the circumstances of the case, and such person shall attend as so required.

(2) If any such person fails to attend as so required, the officer referred to in subsection (1) may report such failure to a Magistrate who shall issue a summons to secure the attendance of such a person as required by such order aforesaid.

(3) A person attending as required under subsection (1) shall be entitled to be paid the travelling and subsistence expenses reasonably incurred by him; and it shall be lawful for the Commission to pay such expenses.

[Am. Act A1120.]

Section 43. Examination of witnesses.

(1) An officer authorized under section 41 who is exercising the powers of enforcement conferred under this Act or any rules made thereunder may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) The person so examined shall be legally bound to answer all questions relating to such case put to him by the officer referred to in subsection (1):

Provided that such person may refuse to answer any question if such officer fails or refuses on demand to produce to him the authorization in writing given by the Minister to that officer under section 41:

Provided further that such person may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to questions.

(4) An officer authorized under section 41 who is examining a person under subsection (1) shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumb print, as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any corrections he may wish.

[Am. Act A1120.]

Section 44. Admissibility of statement.

Notwithstanding the provisions of any written law to the contrary, where a person is charged with an offence under this Act, any statement, whether the statement amounts to a confession or not or whether it is oral or in writing, made at any time, whether before or after the person is charged and whether in the course of investigation under this Act or not and whether or not wholly or partly in answer to questions, by the person to, or in the hearing of, an officer authorized under section 41 and whether or not interpreted to him by an officer authorized under section 41 or any other person concerned or not in the case, shall be admissible at his trial in evidence and, if the person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit:

Provided that—

(a) no such statement shall be admissible or used as aforesaid—

(i) if the making of the statement appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against such person proceeding from a person in authority and sufficient in the opinion of the Court to give the person charged grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature

in reference to the proceedings against him; or

(ii) in the case of a statement made by the person after his arrest, unless the Court is satisfied that he was cautioned in the following words or words to the like effect: "It is my duty to warn you that you are not obliged to say anything or to answer any question but anything you say, whether in answer to a question or not, may be given in evidence."; and

(b) a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence merely by reason of his not having been cautioned if he is cautioned as soon as possible.

[Am. Act A1120.]

Section 45. Power of search and arrest.

Whenever it appears to an officer authorized under section 41 that there are reasonable grounds to believe that an offence against this Act is being committed or is about to be committed and that any article in respect of that offence is concealed or deposited in or on any conveyance, dwelling house, shop or other building or place in contravention of a provision of this Act, such officer may, if he has good grounds for believing that by reason of any delay in obtaining a search warrant such articles are likely to be removed—

(a) stop and examine such conveyance or enter such dwelling house, shop or other building or place and there search for and take possession of any such articles reasonably suspected of contravening a provision of this Act and of any other articles reasonably believed to have a bearing on the case; or

(b) arrest without warrant any person or persons being, or reasonably suspected to have been, in such conveyance, dwelling house, shop, building or place or in whose possession such articles as aforesaid may be found or whom such officer may reasonably suspect to have concealed or deposited such articles and may search any person so arrested, provided that no female shall be searched except by another female. Every person so arrested shall, together with any articles as to which an offence may have been committed or attempted to be committed, be taken to a police station.

[Am. Act A1120.]

Section 46. Obstructing performance of duties.

Any person who obstructs the Commission or assaults, hinders, impedes or obstructs the Chairman of the Commission, any authorized officer or any officer authorized under section 41, in the performance of its or his duties under this Act shall be guilty of an offence.

[Sub. Act A1120.]

Section 47. Prosecution.

No prosecution shall be instituted for an offence under this Act or any rules made hereunder except by or with the consent in writing of the Public Prosecutor.

[Sub. Act A1120.]

Section 48. Reward for information.

In the case of a conviction involving a fine, the Court imposing the fine may, on the application of the officer conducting the prosecution, direct the payment of any part of the fine but not exceeding one half of such fine in such proportion as the Court deems fit to the person who gave the information leading to the conviction.

PART XI - GENERAL, REPEAL AND SAVINGS

Section 49. General power to make rules and provisions as to rules.

(1) In addition to the powers hereinbefore conferred, the Minister may make rules which are necessary or expedient for carrying out, or giving effect to, the purposes and objects of this Act.

(2) All rules made by the Minister under this Act shall be published in the *Gazette*.

Section 50. Repeal of Post Office Act 1947 and savings in respect thereof.

(1) The Post office Act 1947 [*Act 211*] is hereby repealed.

(2) The rules made under the Post Office Act 1947 in so far as they are not inconsistent with the provisions of this Act shall continue in force until revoked or replaced by rules made under this Act.

(3) The Minister may, whenever it appears to him necessary or expedient so to do whether for the purpose of removing difficulties or in consequence of the passing of this Act, by order make such modifications to any provision in any rule in subsection (2) as he may think fit.

Saving and transitional.

(1) Upon the commencement of this Act, references to the Government, Minister, Director General of Post or an authorized officer, in any written law including any subsidiary legislation, and in any instrument, licence, certificate, document, registration, approval, directive, order, guideline, notification, agreement or other document made, issued or given before the commencement of this Act shall be construed as provided for in subsections (2), (3), (4) and (5).

(2) References to the Government or the Director General of Post in relation to the functions of such Government or Director General which upon the commencement of this Act become the functions of the Commission shall be construed as references to the Commission.

(3) References to the Director General of Post in relation to the functions of such Director General which upon the commencement of this Act become the function of the Minister shall be construed as references to the Minister.

(4) References to the Director General of Post in relation to the functions of such Director General which upon the commencement of this Act become the functions of the Chairman of the Commission shall be construed as references to such Chairman.

(5) References to an authorized officer shall be construed as references to an authorized officer as defined in the principal Act as amended by this Act.

(6) All licences, certificates, documents, registrations, approvals, directives, orders, guidelines, notifications, agreements, and such other documents that have been made, issued or given by the Director General of Post, before the commencement of this Act shall, upon the commencement of this Act, be construed as having been made, issued or given by the Commission or Chairman of the Commission, as the case may be.

[Ins. Act A1120:s.26]

LIST OF AMENDMENTS

Act 465

POSTAL SERVICES ACT 1991

LIST OF AMENDMENTS

<i>Amending law</i>	<i>Short title</i>	<i>In force from</i>
Act A1120	Postal Services (Amendment) Act 2001	1-11-2001 P.U. (B) 526/2001]