

ACT

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THE POSTAL SERVICES REGULATORY AGENCY ACT, 2012

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SIGNED this 19th day of June, 2012.

DR. ERNEST BAI KOROMA,
President.



No. 5



2012

Sierra Leone

The Postal Services Regulatory Agency Act, 2012. Short title.

Being an Act to establish the Postal Services Regulatory Agency as a body corporate, to license and regulate the operation of postal services throughout Sierra Leone, to establish a Postal Services Regulatory Agency Board and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I–PRELIMINARY

Interpretation.

1. In this Act unless the context otherwise requires–

“Agency” means the Postal Services Regulatory Agency established under section 2;

“Courier Service” means a service for the receipt and delivery of correspondence, items of value or both, such as parcels and packets, for which no postage stamp is required;

“IATA” means International Air Traffic Association;

“Inspector” means an Inspector appointed by the Executive-Director under section 21;

“letter” means any communication in writing directed to a specified person or address and includes postcards;

“licence” means a licence issued by the Agency for the provision of postal services under section 24;

“licensee” means a person to whom a licence has been granted under this Act;

“Minister” means the Minister responsible for communication;

“postal service” means any service, including private courier service, for the collection, dispatch or conveyance of letters and other postal articles licensed under this Act.

PART II–ESTABLISHMENT OF POSTAL SERVICES REGULATORY AGENCY

Establishment of Postal Services Regulatory Agency.

2. (1) There is hereby established a body to be known as the Postal Services Regulatory Agency.

(2) The Agency shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

3. (1) The Agency shall have a common seal, the use of which shall be authenticated by the signatures of – Common seal.

(a) the Chairman or other member of the Board authorised either generally or specially by the Board for that purpose; and

(b) the Executive-Director or some other person authorised by the Board for that purpose.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Agency and to be sealed with the common seal of the Agency authenticated in the manner stated in subsection (1), shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

PART III–FUNCTIONS AND POWERS OF AGENCY

4. (1) The object for which the Agency is established is to exercise licensing and regulatory functions in respect of postal services throughout Sierra Leone. Functions of Agency.

(2) Notwithstanding the generality of subsection (1), it shall be the function of the Agency to–

(a) promote the efficiency and international competitiveness of the postal services throughout Sierra Leone;

- (b) ensure that postal services are reasonably accessible to all persons throughout Sierra Leone;
- (c) promote the development of postal services in accordance with recognised international standard practice;
- (d) promote and maintain fair competition among persons engaged in the operation or provision of postal services in Sierra Leone;
- (e) promote the effective participation of all sectors of the Sierra Leone postal services industry in markets within Sierra Leone and elsewhere;
- (f) regulate prices, tariffs and charges in respect of postal services and other related services;
- (g) act internationally as the national body representative of Sierra Leone in postal matters;
- (h) further the advancement of technology relating to postal services and systems; and
- (i) advise the Minister on national needs and policies in respect of postal agencies and on matters relating to postal services generally.

(3) In discharging the functions and duties imposed on it by subsection (1), the Agency shall have regard to—

- (a) efficiency and economy;
- (b) the social and commercial needs of Sierra Leone for postal services;

- (c) the state of, and trends in the development of postal services and systems and the evolution of standards and protocols used in the postal industry, both in Sierra Leone and elsewhere;
- (d) fostering the development of postal services in collaboration with international postal administrations and organisations;
- (e) enabling persons providing postal services in Sierra Leone to compete fairly in the provision of such services outside Sierra Leone;
- (f) the provision of postal services at rates consistent with efficient service delivery;
- (g) the promotion of research and development in the field of postal services; and
- (h) collaboration with educational institutions for the promotion of technical education in the field of postal services.

5. Subject to this Act, the Agency may carry on such activities as appear to it to be advantageous, necessary or expedient for the discharge of its functions under this Act. Powers of Agency.

PART IV—FUNDS OF AGENCY

6. (1) The activities of the Agency shall be financed by funds consisting of— Funds of Agency.

- (a) any moneys appropriated, from time to time, by Parliament for the purposes of the Agency;
- (b) all other moneys which may, from time to time, accrue to the Agency in the course of its activities.

(2) The funds of the Agency shall be applied only for the purposes of the approved budget of the Agency.

Accounts and
audit of
Agency.

7. (1) The Agency shall keep proper books of account and other records in relation to the activities, property and finances of the Agency in a form approved by the Auditor-General and shall prepare in respect of each financial year of the Agency a financial statement which shall include—

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Agency kept under subsection (1), shall, not later than two months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Agency and to require such information and explanation thereon as he may think fit.

(4) The Agency shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Agency.

(5) The Auditor-General or the auditor appointed by him shall submit to the Agency a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to—

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Agency; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Agency.

8. The financial year of the Agency shall be the same as the ^{Financial year} financial year of the Government. _{of Agency.}

9. (1) The Agency shall, within three months after the end ^{Annual} of the financial year, submit to the Minister a report on the performance _{report.} of its functions during that year and on its policy and programmes.

(2) The annual report shall include the accounts and annual financial statement prepared under section 7 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

(4) The Agency shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART V – BOARD OF AGENCY

10. (1) The governing body of the Agency shall be a Board ^{Board of} in which shall be vested, subject to this Act, the control and _{Agency.} supervision of the Agency.

(2) The Board shall consist of a Chairman and the following other members—

- (a) four persons, at least two of whom shall be women, knowledgeable in matters relevant to the Agency's functions.
- (b) The Executive-Director who shall be Secretary to the Board.

(3) The Chairman and other members of the Board, except the Executive-Director, shall be appointed by the President on the recommendation of the Minister and subject to the approval of Parliament.