

GOVERNMENT NOTICE No. 58 published on 23/02/2018

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP.306)

REGULATIONS

(Made under section 47)

THE ELECTRONIC AND POSTAL COMMUNICATIONS
(POSTAL) REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

Regulation Title

PART I
PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II
PROVISION OF POSTAL SERVICES

4. Authority to licence postal operators.
5. Provision of universal postal services.
6. Postage stamps.
7. Posting of postal items.
8. Certificate of posting.
9. Delivery of postal items.
10. Undeliverable postal items.
11. Disposal of undeliverable items.
12. Exemption from postal charges.
13. Transmission of newspapers.
14. Courier services.
15. Examination of printed paper.
16. Procedure for parcel post.
17. Quality of service.
18. Insured post.

- 19. Compensation.
- 20. Prohibited items.
- 21. Exceptions for transmission of prohibited items.

PART III
GENERAL PROVISIONS

- 22. Use of technology.
- 23. Postal security and safety.
- 24. Provision of information.
- 25. International obligations of the licensee.
- 26. Restriction on exclusive agreements for international service.
- 27. Standard of performance with respect to customer care.
- 28. Addresses and postcodes.
- 29. Penalty.
- 30. Revocation.

—————
SCHEDULE
—————

THE ELECTRONIC AND POSTAL COMMUNICATIONS ACT
(CAP.306)

REGULATIONS

(Made under section 47)

THE ELECTRONIC AND POSTAL COMMUNICATIONS
(POSTAL) REGULATIONS, 2018

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Electronic and Postal Communications (Postal) Regulations, 2018.
- Applications 2. These Regulations shall apply to postal and courier services.
- Interpretation 3. In these Regulations, unless the context requires otherwise:-
- Cap.306 “Act” means the Electronic and Postal Communications Act;
- Cap.172 “Authority” means the Tanzania Communications Regulatory Authority established under the Tanzania Communications Regulatory Authority Act;
- “courier services” means specialized postal services for the speed collection, conveyance and delivery of postal items other than universal postal services;
- “Designated Postal Operator” means a Public Postal Licensee designated as such by the Authority for the operation and provision of universal postal services and to fulfill the related obligations arising out of the acts of the Universal Postal Union;
- “Domestic Courier Services” means courier services within the borders of the United Republic;
- “East Africa Courier Services” means courier services within East African Region;

"letter" any form means of written communication in the nature of current and personal correspondence and includes postcards;

“postal licensee’s network” means all parts for those physical facilities involved in the activities of conveying, receiving, collecting, sending, dispatching and delivering letters within, to and from Tanzania by sea, land or by air or through any person with whom the licensee has a contract with or its agents or servants;

“hybrid mail” means an electronic-based postal service whereby the sender posts the original message in either a physical or an electronic form, which is then electronically processed and converted into a letter-post item for physical delivery to the addressee.

"postal licensee" means any person licensed under the Act to provide postal services;

“post” means a system for the collection, dispatch, conveying, holding and delivery of postal items by or through public postal licensee;

“postal item” means items dispatched by the designated operator such as letter post, parcel post, money order being material goods, with or without mercantile value, that comply with the post ability requirements determined by the Act, Universal Postal Conventions and these Regulations which are delivered via a physical network to a specified address or a person with a specified address;

“postal communications” means the communications of information by means of post;

“postcode” means a series of digits or unique identifier appended to postal address identifying a locality or mail delivery area;

“post office” means any building, house, room, vehicle or place where under control of the corporation and postal items are received, processed, delivered or dispatched;

“postal services” means postal services whose scope is determined and regulated by the Act with objective to

ensuring the collection, clearance, sorting, transmission, transportation and delivery of postal item;

"reserved area" means delivery of services by the Designated Postal Operator under Designated postal operator conditions approved by the Regulator;

"undeliverable postal item" means items which for some reasons have not been claimed by the addressee;

"Universal Postal Union" means a specialized agency of the United Nations that coordinates policies among members nations on postal services;

"universal services obligation" means an obligation placed to designated postal service provider to provide the minimum set of services prescribed under section 13 of the Universal Communication Services Access Act.

Cap. 422

PART II
PROVISION OF POSTAL SERVICES

Licensing of postal operators

4. The Authority shall license and regulates postal operators in accordance with the provisions of the Act.

Provision of universal postal services

5.-(1) The Designated Postal Operator:-

- (a) shall have a universal service obligation that will be regulated by the Authority; and
- (b) in compensation, shall have the exclusive right to provide services for the reserved area.

(2) A postal licensee other than the Designated Postal Operator shall not operate in the reserved area.

(3) The Designated Postal Operator shall provide universal postal services in accordance with relevant laws, conventions and international agreements of Universal Postal Union and other similar international bodies.

(4) The Designated Postal Operator may receive funding from the Universal Communications Service Access Fund (UCSAF).

(5) The Designated Postal Operator shall, when providing universal postal services under these Regulations, consult the relevant stakeholders.

Postage stamps

6.-(1) A person other than the Designated Postal Operator shall not produce postage stamps.

(2) The image on postage stamps shall be of national and international interest and depict the good image of the United Republic and its people.

(3) Postage stamps shall be available for sale to the public at all post offices at the prices equal to the value denoted thereon.

(4) The public postal licensee shall comply with rules for production and usage of stamps issued by the Authority.

(5) All postage stamp archival materials produced by the Designated Postal Operator belong to the Government and shall be kept by the Authority.

(6) The Designated Postal Operator may enter into arrangement with any person to sell postage stamps.

(7) The Authority may authorize exchange of unused adhesive postage stamps which have not ceased to be valid by reason of any directions made by the Authority, and which have been inadvertently undersigned or spoiled or rendered unfit for use within the past two years.

Posting of postal items

7.-(1) A person other than the Designated Postal Operator shall not erect and maintain letter posting boxes or mail delivery boxes in any road, street, houses or public place.

(2) A letter posting box or mail delivery box shall not be so placed as to interfere with ordinary traffic.

(3) A postal item shall be deemed to have been posted when it is put into a Designated Postal Operator's letter posting box or accepted at the counter.

(4) A hybrid mail shall be deemed to have been posted when an electronic version has been transmitted to the postal licensee's network.

Certificate of posting

8.-(1) The Designated Postal Operator shall, at the request of the sender of an unregistered postal item intended for transmission by letter post, give the sender a certificate of posting of such postal item upon payment of the appropriate fee.

(2) A certificate of posting an item shall convey no entitlement to compensation nor shall it be acceptable as proof of the nature of the contents of the postal item to which it relates.

(3) An item in respect of which a certificate of posting is issued shall not be returned after the issue of such certificate to the sender thereof.

Delivery of postal items

9.-(1) A postal item or hybrid mail shall be deemed to be delivered to the addressee when it is delivered by the Designated Postal Operator at his physical address or into his private box or bag operated at a post office or rural delivery box.

(2) A postal item shall be deemed to be delivered to the addressee when it is delivered by courier licensee at the customer's physical address or picked from a courier operator's counter.

(3) Where a postal licensee is satisfied upon proof that the addressee of a postal item is dead, he may in his discretion:-

- (a) deliver or redirect the postal item on the written application of any one of the executors named in the will of the addressee or any person appearing to the postal licensee to be entitled to take out letters of administration to the addressee;
- (b) deliver or direct the postal item on the written application of any such person appearing to the postal licensee to be conducting the affairs of the deceased;
- (c) retain the postal item for such period as described in the rules and on production of probate of the will or letter of administration to the estate of the addressee together with the written application of one or more of the executors or administrators, deliver or redirect the item in accordance with such request; or

- (d) treat the postal items in accordance with the provisions of these Regulations as undelivered postal item.

(4) The appropriate charges payable for redirection shall be as specified by the postal licensee.

Undeliverable postal items

10.-(1) All postal licensees shall submit to the Authority their policies in respect of undeliverable postal items in accordance with rules issued by the Authority.

(2) Postal items shall be retained at the office of delivery for the appropriate period as specified by the postal licensee for each class or category of item and if unclaimed for delivery on the expiration of such period it shall be treated as undelivered postal item.

(3) Notwithstanding sub-regulation (2), the following postal items shall be classified as undeliverable postal items and disposed off as appropriate notwithstanding the periods specified hereunder have not elapsed:-

- (a) items which have been incorrectly or insufficiently addressed;
- (b) items which have been tendered for delivery and returned to the postal licensee endorsed in a manner indicating that they cannot be delivered to, or have been refused by the addressee; or
- (c) items containing any perishable matter where the condition of the postal item is such as to be likely to cause injury, damage or delay to any other postal item, or as to be likely to cause damage or embarrassment to any officer of the postal licensee or to any person employed in connection with the postal and courier services.

Disposal of undeliverable items

11.-(1) All postal licensees shall be required to dispose off undeliverable postal items in accordance with rules issued by the Authority.

(2) Subject to these Regulations, undelivered or undeliverable postal items received from outside the United Republic shall be disposed of as may be determined by the Authority in the manner prescribed by the Convention of the Universal Postal Union.

Exemption from postal charges

12.-(1) Literature for the blind, letters addressed by prisoners of war and civil internees shall be exempted from all postage charges as prescribed under the Convention of the Universal Postal Union.

(2) Postal item consisting solely of sound records, transmitted to or from institutions for the blind and recognized as such by the Authority or of publications, or the plates therefore, impressed in Braille or other type adapted for the use of the blind and marked on the wrapper thereof with the words "literature for the blind" may be transmitted at the appropriate postage rate, if any.

Transmission of newspapers

13. The proprietor of any publication printed and published in the United Republic and consisting wholly or substantially of current news or items relating thereto, with or without illustrations or advertisements may register his publication with the Designated Postal Operator as a newspaper for the purpose of transmission by post if such publication is registered as a newspaper with the appropriate authorities and it complies with such other conditions as the Designated Postal Operator may specify.

Conditions for courier services

14.-(1) Each courier service licensee shall operate from permanent premises with the following basic amenities and facilities:

- (a) well built public counters;
- (b) rooms or lobbies for the comfort and convenience of customers waiting to be served;
- (c) adequate ventilation;
- (d) adequate transport or arrangements for the conveyance of postal items; and
- (e) adequate and secure storage facilities for postal items awaiting conveyance or delivery.

(2) The Courier Service licences referred to under section 5 of the Act shall be in the following categories:-

- (a) International;
- (b) East Africa;
- (c) Domestic;
- (d) Intra-City;
- (e) Inter-City; and
- (f) Inter-City-transporters.

Examination of printed paper

15. Every printed paper shall be subject to examination in the post office and, subject to these Regulations, shall not contain anything sealed or otherwise closed against inspection, or contain or bear anything in the nature of current and personal correspondence, or contain any postage stamp or form whether cancelled or not, denoting payment of postage or fees or any paper representing money value.

Procedure for parcel post

16.-(1) Any outgoing parcel shall be examined by the postal staff before it is closed for dispatching.

(2) A parcel shall not contain any letter or an enclosure of any kind bearing an address other than that to which the parcel is addressed, but an open invoice confined to the particulars necessary to describe the contents of the parcel and a paper bearing the address of the sender may be contained.

(3) Where the laws for the time being in force in any country or place to which the parcel is directed permit the enclosure therein of correspondence, such enclosure shall be remitted but it shall be restricted to one written communication.

(4) A person offering a parcel for transmission to a country outside the United Republic, as from time to time be notified by the Postal licensee may, upon payment of the specified charges be permitted to enter into an undertaking with the Postal licensee to prepay such customs and other charges as may be levied by the appropriate authority in the country of destination of such parcels.

(5) All parcels originating from outside the United Republic shall be subject to customs check-up and procedures and each postal licensee and couriers company shall make arrangements with customs department in checking the incoming parcels.

(6) All parcels originating from the United Republic shall be subject to security check and shall observe security requirement defined by UPU security standards.

Insured post

17.-(1) Letters, packets or parcels, containing items of value shall be accepted for transmission as insured post at the appropriate postage rate for such items and on payment of the insurance fees specified by the postal licensee.

(2) The Designated Postal Operator shall abide by all Universal Postal Union regulations on insured post.

(3) Coin, bullion, jewelry or living animals of any kind shall be accepted for transmission by insured post.

Quality of service

18. Public postal and courier service licensees shall comply with quality of service standards as prescribed under the Electronic and Postal Communications (Quality of Service) Regulations, 2017.

Compensation

19.-(1) All postal licensees shall submit to the Authority their compensation policies in respect of loss or damage of postal items.

(2) A postal licensee shall pay compensation for loss or damage of postal items.

(3) Compensation shall not be paid by the postal licensees where:-

- (a) an item is prohibited under these Regulations;
- (b) in the case of an insured item:-
 - (i) has been insured for in excess of its value;
 - (ii) any false statement in relation to that item has been made by the sender or addressee for such item;
 - (iii) the addressee thereof has signed and returned the receipt thereof without objection;
 - (iv) any bill of exchange, bond, coupon or other negotiable security particulars sufficient to identify such contents are not supplied to the postal licensee; or

- (v) the cover or seal of such item bear apparent trace of theft or damage.

Prohibited items

20.-(1) Subject to the power conferred under section 46 of the Act, the following items shall not be conveyed or delivered by post:

- (a) any explosive, inflammable, dangerous, noxious or deleterious substance, filthy, sharp instrument not properly protected or any item or thing whatsoever which is likely to damage other postal items in the course of conveyance or injure any person handling the item;
- (b) drugs and other prohibited narcotic substances;
- (c) any indecent or obscene printing, painting, photograph, lithograph, engraving, film, book card or any other indecent or obscene item;
- (d) any item for export, import or carriage which is prohibited under any law in force in the United Republic or which, being subject to any restriction imposed by such law, is transmitted otherwise than in accordance with that restriction;
- (e) any item which may not, under the law of the country to which it is addressed, be imported or transmitted by post;
- (f) any item containing or bearing any functions stamp or any counterfeit impression of a franking machine;
- (g) any item sent by post in a stamped or embossed envelope wrapper, card forms or paper in imitation of the one issued under the authority of the Designated Postal Operator;
- (h) any item of such form or color or so made up for transmission by post or is likely in the opinion of the postal licensee to embarrass the officers of the organization in dealing with the item;
- (i) any item bearing any stamp or impression of a stamping machine denoting payment of postage or fee which is imperfect or mutilated or defaced in

- any way or across which is written or printed or otherwise impressed;
- (j) any item 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 the postage or fees on any other postal item or any other stamp duty or tax;
 - (k) betting advertisements if relating to illegal business;
 - (l) fortune telling advertisements;
 - (m) sweepstake or lottery tickets, or advertisement or other notice in relation to sweepstake or lottery other than a lawful sweepstake or lottery;
 - (n) any item which infringes trade mark or copy right laws;
 - (o) any sample packets consisting of literature for the blind containing any item liable to customs duty in the country or place of destination;
 - (p) any letter, printed paper, literature for the blind, sample or small packet containing a card or envelope for reply that has been prepaid with postage stamps issued by the Designated Postal Operator or an impression made by a franking machine licensed by the Designated Postal Operator in the international service;
 - (q) any living creature, other than bees, leeches and silk worms, parasites or destroyers for noxious insects; and
 - (r) any item which by the Act or these Regulations is prohibited from being posted or accepted for transmission by post.

(2) A postal item shall not be conveyed or delivered within the United Republic where the postal item is posted outside the United Republic by a person resident in, or a firm carrying on business in the United Republic with intent to avoid payment of highest domestic postage rate.

Exceptions for transmission of prohibited items

21. Prohibited postal items may be exceptionally conveyed by the post in a manner set out in the Schedule to these Regulations.

PART III
GENERAL PROVISIONS

Use of technology

22. A licensee shall use appropriate technology to enhance quality of service as well as to diversify postal and courier services.

Postal security and safety

23. Each licensee shall ensure that all steps are taken to improve mail security and combat postal crimes which include:-
(a) mail violation and secretion;
(b) mail bombs;
(c) illicit drug or firearms trafficking; and
(d) damaging postal property.

Provision of information

24. A licensee shall furnish to the Authority in such manner and such time as the Authority may request such documents, accounts, financial data, estimates returns, reports or any other information, as the Authority may require for the purpose of exercising the functions assigned to it under the Act.

International obligations of the licensee

25. A licensee shall exercise its rights and powers and perform its duties and obligations under the licence, in a manner which is consistent with the international agreements or treaties to which the United Republic is a party.

Restriction on exclusive agreements for international service

26. A licensee shall not enter into any arrangement or agreement with any person running an international postal service on terms and conditions, which are deemed to be unfavorable to the national interest.

Standard of performance with respect to customer care

27. A licensee shall, at all material times, meet the standard of performance determined by the Authority from time to time in respect to the quality of service provided to the public.

Addresses and postcodes

28.-(1) The Authority shall allocate, manage and regulate addresses and postcodes in the United Republic.

(2) A licensee shall ensure that postal item received at its network includes street name, house number and a postcode as an element of identification of an area where an addressee can be located.

(3) The Authority shall maintain and manage the national address database in the form of:-

- (a) an arrangement of address information in the address database; and
- (b) address and postcode map which shows the boundaries of address and postcode areas, the names for streets, the starting point or known as “point zero” and end points of streets, a coordinates grid, where possible, and major facilities and landmarks.

(4) The Authority shall regulate the publication and sale of postcode list and directories and ensure the public access the appropriate postcodes.

(5) The postal licensees shall take part in publicizing postcodes to their customers and the general public.

(6) The Authority shall be the sole disseminator of address files to those who would need to purchase.

(7) The Authority shall develop an addressing and postcode manual to enable the relevant authorities to determine street addresses and allocate postcode.

(8) The Authority shall develop the National addressing standard to enable relevant stakeholders to abide to the stipulated requirements.

Penalty

29. Any person who contravenes any of the provisions of these Regulations commits an offence and shall, on conviction to a fine prescribed in the Act.

(2) Notwithstanding sub regulation (1), where a person commits an offence under these Regulations, the Director General may, where such person admits in writing compound such offence by collecting from that person a sum of money not exceeding the amount of the fine prescribed for the offence.

Revocation of
G.N.423 of
2011

30. The Electronic and Postal Communications (Postal) Regulations, 2011 are hereby revoked.

SCHEDULE

EXEMPTIONS FOR TRANSMISSION OF PROHIBITED ITEMS

(Made under regulation 21)

DESCRIPTION OF ITEM	QUALIFICATION FOR ACCEPTANCE
(i) Dangerous drugs	By insured box or by insured parcel post but only if sent for medical or scientific purposes to country which admits them when sent for those purposes.
(ii) Live bees, leeches, silk worms, parasites or destroyers of noxious insects used for the purpose of controlling those insects.	By letter post if addressed to officially recognized institutions.
(iii) Any postal item enclosed in an envelope with an open panel	By the inland service.
(iv) Paper money not crossed for payment solely through post bank.	(i) for transmission by the inland service by registered letter or registered parcel post. (ii) for transmission by the international service by registered letter post or insured letter post or insured parcel post.
(v) Jewellery and other valuables.	By registered letter post or insured parcel, or insured box.
(vi) Any postal item bearing the word "registered" or any other phrase to that effect and any item 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.
(vii) 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.
(viii) Inflammable liquids	Having a flash point of 32 degrees centigrade or above but lower than 65 degrees centigrade; maximum amount one litre.
(ix) Radioactive materials	Small quantities suitable packed, provided that when made up for the post radiation measured at the outside surface of a package does not exceed 10 milliroentgen per 24 hours by letter post at the letter rate of postage.
(x) Any item liable to custom duty.	To countries, which permit by law or regulations, the importation of such items by post, and by registered post if the law or regulations of the country or place of destination so requires.

Electronic and Postal Communications (Postal)

GN. No. 58 (contd...)

(xi)	Advertisements and publications relating to the treatment of general diseases or to any preparation for its prevention, care or relief.	If addressed to duly qualified medical practitioners or chemist.
(xii)	Drugs and other prohibited narcotic substances	Except those legally authorized or dispatched for medical or scientific purposes

Dar es Salaam,
30th January, 2018

MAKAME M. MBARAWA,
*Minister for Works, Transport and
Communications*