

THE POSTAL SERVICES ACT 2002

(No. 34 of 2002)

Arrangements of Sections

Section

Part I - PRELIMINARY

1. Short title
2. Interpretation
3. Application of the Act

Part II – THE POSTAL AUTHORITY

4. Postal Authority
5. Powers of the Authority
6. Functions of the Authority
7. Powers of the Minister

Part III – LICENSING PROVISIONS

8. Licences
9. Applications for licences
10. Determination of application
11. Decision of the Authority
12. Duration of licence
13. Display of licence
14. Cancellation, revocation and variation of licences
15. Appeals
16. Duties of the licensees
17. Powers and limitations of the licensees
18. Liability of licensees
19. Conveyance and delivery
20. Tariff
21. Franking machines
22. Confidentiality
23. Codes of Conduct, Best Practices and Uniform Standards
24. Dead Letters

Part IV – OFFENCES

25. Operation of services without licence
26. Opening or detaining postal packets
27. Stealing
28. Fraudulent retention
29. Criminal diversion of postal packets or articles
30. Damaging of posting boxes
31. Obstruction of licensees
32. Sending indecent articles by post

Part V – POSTAGE STAMPS

- 33. Provision of postage stamps
- 34. Fraudulent manufacture and use of postage stamps
- 35. Fraud in the use of postage stamps

Part VI - MISCELLANEOUS

- 36. Penalties
- 37. Immunity of the State or Authority
- 38. Regulations
- 39. Repeal
- 40. Transitional provisions
- 41. Commencement

An Act

To provide for the establishment of a regulatory authority for the postal, courier and ancillary services sector; to enhance the systems and methods of operation; and to provide for, where warranted, appropriate offences and penalties.

ENACTED by the Parliament of Mauritius, as follows -

Part 1 - PRELIMINARY

1. Short Title

This Act may be cited as the Postal Services Act 2002.

2. Interpretation

In this Act -

“ancillary services”	means services additional to the activities of the post as may be prescribed;
“article”	includes documents, goods and merchandise committed to and accepted by a licensee for conveyance through a courier service;
“authorised officer”	means an officer designated as such under section 10;
"Authority"	means the Postal Authority established under section 4;
"courier service"	means an individualized and time-sensitive service for accepting, conveying and distributing documents and goods on a door to door basis;
"dead letter"	means any postal packet which may be prohibited, undeliverable, refused by the addressee, or unclaimed;
“enforcement officer”	means a public officer empowered by an enactment to investigate into, enquire into or prosecute an offence;
"foreign parcel"	means a parcel - <ul style="list-style-type: none">(a) posted in Mauritius for delivery abroad;(b) posted abroad for delivery in Mauritius; or(c) transiting in Mauritius;
“franking machine”	means a machine which records prepayment of postage;

“ICT Appeal Tribunal”	means the Information and Communication Technologies Appeal Tribunal established under section 36 of the Information and Communication Technologies Act 2001;
“ICT Authority”	means the Information and Communication Technologies Authority established under section 4 of the Information and Communication Technologies Act 2001;
"letter"	Means any communication in the nature of private correspondence;
"licensee"	means the holder of a licence issued under this Act;
“Mauritius Post Limited”	means the Company incorporated to act as operator of the Postal Service under the Post Office (Transfer of Undertaking) Act 2002;
"Minister"	means the Minister to whom responsibility for postal service is assigned;
"post"	means the logistics for the collection, sorting, despatch, conveyance and delivery of postal packets;
“post office”	means any place from where postal service is offered;
"postage"	means the fee chargeable for the delivery of services by post;
"postage stamp"	means any label or stamp for denoting any postage or other sum payable in respect of a postal packet and includes any adhesive postage stamp or printed stamp impressed or otherwise indicated on a postal packet, whether the postage stamp is issued under this Act, or by an appropriate authority of another country;
"postal packet"	Includes a letter, postcard, printed paper, newspaper, parcel, sample, book, packet or article committed to, and accepted by, a licensee for conveyance by post;
"posting box"	means any box or receptacle put at the disposal of the public for purposes of posting;
“postal service”	means the service offered to people at large for the collection, conveyance, distribution and delivery of postal packets;
“Postal Service fund”	means a fund into which- <ul style="list-style-type: none"> (a) contributions received from licensees, under section 16 are deposited; (b) monies from an unclaimed money fund under section 24 are credited; and (c) any disbursement as may be made by the Authority for the provision of the universal service.

“unclaimed money fund account” means an account opened by a licensee into which all monies found in dead letters are credited;

"universal service" means a courier or postal service which is reasonably accessible and affordable to any person within the State on an equitable basis;

3. Application of the Act

(1) Subject to sub-section (2), this Act shall bind the State.

(2) The Minister may-

(a) on the recommendation of the Authority;

(b) in the public interest; or

(c) for reason of state security or public order,

and on such terms and conditions as he thinks fit, exempt a Government department from compliance with this Act, or part of this Act.

PART II – THE POSTAL AUTHORITY

4. Postal Authority

(1) There is established for the purpose of this Act a Postal Authority.

(2) The members of the ICT Authority shall be deemed to be and constitute the members of the Postal Authority.

(3) The provisions of sections 5, 6, 7, 8 and 9 of the Information and Communication Technologies Act 2001 shall with the necessary adaptations apply to the Postal Authority;

(4) The Authority may set up such committees as it thinks fit for the purpose of this Act.

5. Powers of the Authority

(1) The Authority shall have such powers as are necessary to enable it to effectively carry out its functions and may, in particular-

(a) monitor, control, inspect and regulate postal, courier and ancillary services;

(b) ensure that postal, courier and ancillary services are provided and operated in accordance with this Act;

(c) give such reasonable directions to a licensee as it thinks fit and the licensee shall comply with those directions;

- (d) require a licensee to provide such information as it thinks necessary in relation to the postal services offered by him;
 - (e) require any person to furnish to the Authority any information in his possession which relates to any postal, courier or ancillary services;
 - (f) require any person who has in his custody or under his control any document which relates to any postal service or postal system-
 - (i) to furnish to the Authority with a copy of or extract from the document; or
 - (ii) to transmit the document itself to the Authority for its inspection; unless the document forms part of the records or other documents of a court or public authority, and;
 - (g) require any person who has under his control any premises to provide access and appropriate facilities for delivery of postal packets to addresses.
- (2) The Authority shall be entitled without payment to keep any copy or extract furnished to the Authority under sub-section (1) (f).
- (3) The Authority shall at all reasonable times have full and free access to all buildings, places, books, documents and other papers for the purpose of discharging the Authority's functions under this Act, and may, without payment, inspect, copy or make extracts from any such books, documents or papers.
- (4) The Authority may take possession of any books, documents or papers where in the opinion of the Authority –
- (a) the books, documents or papers may be interfered with or destroyed unless possession is taken; or
 - (b) the books, documents or papers may be required as evidence in proceedings for an offence under this Act or any regulations made thereunder.
- (5) The rights conferred by this section shall, in relation to information recorded otherwise than in legible form, include the right to require the information to be made available in legible form for inspection or for a copy or extract to be made of or from it.
- (6) Any person who –
- (a) fails to comply with any requirement specified under subsection (1)(f);
 - (b) intentionally alters, suppresses or destroys any document which he has been required under subsection (1)(f) to furnish or transmit; or
 - (c) in furnishing any information required of him under subsection (1)(f), makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

shall commit an offence.

(7) No person shall by virtue of this section be obliged to disclose any particulars as to which he is under any statutory obligation to observe secrecy.

6. Functions of the Authority

The functions of the Authority in relation to this Act shall be to –

- (a) licence, renew, amend, vary, suspend, cancel or revoke a licence issued under this Act;
- (b) approve or fix rates for each of the types of postal, courier or ancillary service offered by licensees;
- (c) conduct surveys, tests and evaluations as regards the standard of services delivered by licensees;
- (d) regulate the issue of postage stamps, their themes and designs;
- (e) determine uniform standards, best practices and codes of conduct applicable to service providers and ensure compliance therewith;
- (f) issue such directions as may be necessary to ensure that persons in control of premises may provide effective access to premises for the delivery of mail
- (g) advise the Minister on all matters relating to the provision of postal services by the licensees.

7. Powers of the Minister

The Minister may, in relation to the exercise by the Authority of its functions, give the Authority such general directions, not inconsistent with this Act as appear to the Minister to be requisite in the public interest, and the Authority shall comply with such directions.

PART III – LICENSING PROVISION

8. Licences

(1) No person shall undertake or operate a postal, a courier or any ancillary service unless he has obtained an appropriate licence from the Authority for the purpose, specified in the schedule.

(2) Subject to sub-section (3), the Minister may on the recommendation of the Authority grant to the Mauritius Post Limited such exclusive rights for such period and under such conditions as he may determine to:

- (a) operate a postal, courier or ancillary service, whether inland or foreign, within Mauritius; and

(b) cause to manufacture and issue postage stamps in accordance with section 33(3).

(3) Nothing in sub-section (2) shall be construed as preventing a courier service licensee to provided such services as may be covered under the licence during the period of exclusivity.

(4) Subject to section 40(3), nothing in subsection (2) shall be construed as exempting the Mauritius Post Limited from complying with the other provisions of this Act.

9. Application for licences

Every application to obtain, renew or vary a licence shall be made in writing to the Authority and shall -

- (a) give such information; and
- (b) be accompanied with such fee,

as may be prescribed.

10. Determination of application

(1) On receipt of the application for a licence, the Authority shall cause notice thereof to be published in the Gazette and in 2 daily newspapers.

(2) Any person who wishes to object to an application shall, not later than 14 days after the last publication specified in subsection (1), lodge his objection in writing with the Authority, specifying the grounds of objection.

(3) An authorized officer may-

- (a) request an applicant to furnish such additional information as may be required regarding the application;
- (b) visit or inspect at all reasonable times, any premises, system or installations in respect of which an application is made;
- (c) consult such persons, including the Commissioner of Police, as it deems appropriate, on the fitness of the applicant to hold a licence under this Act.

(4) The Authority may designate in writing any officer to act as authorized officer.

(5) In determining whether to grant, renew or vary a licence, the Authority shall have regard to -

- (a) any objection made under sub-section (2);
- (b) whether the applicant is a fit and proper person to be granted a licence under this Act;

- (c) the promotion of healthy competition, the likelihood of unfair practices and how the interest of the consumer would be best served;
- (d) the public interest, public order and national security;
- (e) any agreement between Mauritius and any other State in relation to the postal service or courier service to be provided;
- (f) any international obligation to which Mauritius is a party in the field of postal services;
- (g) any direction issued by the Minister.

11. Decision of the Authority

- (1) After considering the application, the Authority may grant or refuse the application, with or without
- (2) The Authority shall make its decision within 3 months as from the time a complete application is submitted.
- (3) Where the Authority refuses the application, it shall give forthwith written reasons for the refusal to the applicant.
- (4) Where an application has been granted, upon first instance or on appeal made under section 15, the Authority shall issue a licence which shall specify –
 - (a) the name of the licensee;
 - (b) the duration of the licence;
 - (c) any terms, conditions or restrictions which the Authority may think fit to impose.
- (5) No licence shall be issued, unless the prescribed fee has been paid.

12. Duration of licences

- (1) A licence issued under this Act shall be valid for one year.
- (2) A licensee who wishes to renew, or vary the terms of his licence shall, not later than 3 months before the expiry of the licence, give written notice of his intention to do so to the Authority.

13. Display of licence

Every licensee shall display his licence at a conspicuous place at his registered office and a copy thereof at each place of business.

14. Cancellation, revocation and variation of licences

- (1) The Authority may cancel or revoke a licence where –
 - (a) the licensee has contravened this Act or any regulations made thereunder;
 - (b) the licensee has not paid the prescribed licence fee;
 - (c) the licensee has committed a breach of the conditions attached to the licence;
 - (d) the licensee has ceased operations;
 - (e) the licensee conducts himself in a manner unfit and improper as regards the service delivered by him;
 - (f) the licensee fails to provide adequate or satisfactory service;
 - (g) it is in the public interest to revoke the licence.
- (2) Subject to subsection (3) the Authority may, of its own motion, vary the terms of a licence on the ground that the licensee has:
 - (a) contravened this Act; or
 - (b) acted in breach of any term or condition imposed for the operation of his licence.
- (3) Where the Authority proposes to cancel, revoke or vary the terms of a licence pursuant to sub-section (2), it shall give written notice of its intention to the licensee, stating:
 - (a) the reasons for which it proposes to do so; and
 - (b) the time, being not less than 14 days, within which the licensee may make written representation to object to the proposal.
- (4) The Authority may, where it deems fit, afford the licensee an oral hearing.
- (5) The Authority shall, after considering the representations, inform the licensee of its decision and the reasons thereof within 3 months of the written representations or submissions at hearing, as the case may be.

15. Appeals

- (1) Any person aggrieved by the decision of the Authority may appeal against such decision to the ICT Appeal Tribunal.
- (2) Sections 39 to 44 of the Information and Communication Technologies Act 2001 shall, as far as appropriate, apply to an appeal made under sub-section (1) and to such decision as may be reached by the ICT Appeal Tribunal on an appeal under sub-section (1).

16. Duties of licensees

The licensee shall –

- (a) provide a universal service;
- (b) ensure that the standards of performance including delivery times of his services reasonably meet the social, industrial and commercial needs of the community;
- (c) operate in such a way so as to provide safe, efficient and timely service;
- (d) afford the Authority access to the licensed premises for inspection;
- (e) afford Customs officers access to the licensed premises for the purpose of administering customs and excise laws;
- (f) co-operate with such enforcement officers empowered by an enactment to investigate into, enquire into or prosecute an offence, where there is reasonable suspicion that an offence has been or is being committed within the licensed premises;
- (g) furnish to the Authority such reports, audited accounts, documents and information concerning his operations as the Authority may request;
- (h) make such contribution to the Postal Service Fund as may be prescribed

17. Powers and limitations of the licensees

- (1) Subject to this section, a licensee shall have authority to enter any premises, except dwelling houses, to collect and to deliver postal packets
- (2) A licensee shall be subject to and shall comply with such general directions as the Authority may give in respect of provision of services.

18. Liability of licensees

Where there is loss of, or damage to any article enclosed in or forming part of a parcel or an insured article, or the loss of any registered postal article while in the custody of a postal licensee, the licensee shall pay an indemnity in accordance with the provisions of the Convention regulating the affairs of the Universal Postal Union or any international agreement to which Mauritius is a party.

19. Conveyance and delivery

(1) For the purposes of this Act –

- (a) a postal packet shall be deemed to be in the course of conveyance by post from the time it is being delivered to a licensee or dropped in a posting box or collected by special messenger to the time of its delivery to the addressee;
- (b) the delivery of any postal packet of any description to an employee of a licensee or other person authorised to receive postal packet of that description for the post shall be a delivery to the licensee;
- (c) a postal packet other than an insured letter, shall be deemed to have been properly delivered to the addressee, where the packet has been delivered to a person who may reasonably be considered as being entitled to receive such packet in the absence of the addressee, at the address so indicated on the postal packet.

(2) The Authority shall publish the specifications relating to the number, place, dimensions and other characteristics of letter boxes and may approve the installation and use of such other mail delivery systems or arrangements as it may consider fit.

(3) A developer, owner, manager or syndic, as the case may be, of any residential, commercial, industrial building or any building comprising of more than one unit shall –

- (a) provide one letter box per unit, tenant or owner;
- (b) ensure that the letter boxes provided under paragraph (a) are appropriately and reliably numbered; and
- (c) comply with all other specifications laid down by the Authority in accordance with subsection (2).

(4) Any developer, owner, manager or syndic, as the case may be, who contravenes or fails to comply with subsection (3) shall commit an offence.

(5) A licensee may, with the approval of the Authority, erect, relocate and remove any posting box and postal vending machine in the public road, street or highway, or in any other public place.

20. Tariff

(1) Every licensee shall supply to the Authority the rate or charge he proposes to levy in respect of each type of the licensed postal or courier service he proposes to deliver.

(2) The Authority shall not approve any rate or charge unless it considers that the rate or charge is reasonable.

(3) For the purpose of determining that a rate or charge is reasonable, the Authority may call for such information as it thinks fit.

- (4) The Authority shall within 90 days of the proposal referred to in sub-section(1) determine whether to allow, disallow or amend any tariff, rate or charge.
- (5) No licensee shall claim a rate or charge not approved by the Authority.
- (6) Every licensee shall, at each of his business offices, make available for inspection and purchase a copy of his tariff.
- (7) The Authority may, by notice in writing to a licensee, disallow any tariff rate or charge which does not comply with this Act or with any condition of his licence.
- (8) No licensee shall demand or receive from any person payment of any rate or charge for the supply of a service which –
 - (a) exceeds the rate or charge payable under the appropriate tariff;
 - (b) is not worked out or computed in accordance with the tariff approved by the Authority; or
 - (c) is worked out or computed in accordance with a tariff which has been disallowed by the Authority.

21. Franking machines

- (1) No person shall import or use a franking machine without the approval of the Authority;
- (2) All franking machines shall comply with such specifications as may be approved by the Authority
- (3) Any person who imports, uses a franking machine without the written approval of the Authority shall commit an offence and the franking machine shall be liable to seizure.

22. Confidentiality

- (1) A licensee, his employee or agent shall treat as secret and confidential-
 - (a) the content of any postal packet or article;
 - (b) any information which comes to their knowledge in the course of his duties.
- (2) Any person, who, otherwise than in the course of his duties, makes use of or records the contents of a postal packet or information relating to an article that comes to his knowledge or to which he had access by reason of his position as an employee or agent of a licensee shall commit an offence.
- (3) Notwithstanding subsections (1) and (2), any person who discloses the contents of or information relating to a postal packet, or information relating to an article to any other person otherwise than-
 - (a) in accordance with this Act;
 - (b) upon a court order; or

- (c) as authorised by the order of a Judge,

shall commit an offence.

23. Codes of Conduct, Best Practices and Uniform Standards

(1) The Authority shall from time to time or, on request being made to it, approve codes of conduct, best practices and uniform standards in connection with –

- (a) the operation of postal systems;
- (b) the provision of postal services; and
- (c) the conduct of licensees in the provision of services.

(2) Every licensee shall comply with the relevant provisions of the codes of conduct, best practices and uniform standards.

24. Dead Letters

(1) Every licensee shall maintain a system approved by the Authority for dealing with dead letters.

(2) Dead letters shall only be opened in the presence of officers of the Customs and Police Departments.

(3) The licensee shall submit complete returns in respect of dead letters in such a form as may be approved by the Authority.

(4) Every licensee shall open and maintain an unclaimed money fund account.

(5) Any money found in dead letters shall be deposited into that account.

(6) Any valuable found in a dead letter and which has not been claimed for a period of two years, shall be remitted to the Authority.

(7) Where monies and valuables have been remitted to the Authority under sub-section (6), any claim regarding these monies or valuables shall be directed to the Authority.

(8) The interval at which returns of unclaimed properties in an unclaimed money fund account have to be made, shall be prescribed.

(9) The Authority shall credit the money from a unclaimed money fund account to the Postal Service Fund.

Part IV - OFFENCES

25. Operation of services without licence

Any person who operates or causes to operate a postal, courier or ancillary service without a licence or with an expired licence shall commit an offence.

26. Opening or detaining postal packets

Any officer of the postal service who ,except in pursuance of any enactment or in obedience to an express warrant in writing from the Authority, –

- (a) opens or causes or allows to be opened; or
- (b) detains or delays or causes to be detained or delayed, any postal packet passing through the post, shall commit an offence.

27. Stealing

Any person who –

- (a) steals, embezzles, secretes, or destroys a mail bag or a postal packet in the course of post;
- (b) steals, embezzles, secretes any postal packet from a mail bag, or from an officer or agent of a licensee, a mail , a posting box or a letter box;
- (c) steals, embezzles, secretes or destroys any article, money or valuable security contained in a postal packet in the course of post;
- (d) stops a mail with intent to rob or search it; or
- (e) unlawfully takes away or opens a mail bag or postal packet sent by any vessel or aircraft under contract or employed by the postal service for the conveyance of mail bag or postal packet,

shall commit an offence.

28. Fraudulent retention

Any person who fraudulently opens, retains, willfully secretes, keeps or detains, or, when required by any officer of the postal service, neglects or refuses to deliver up -

- (a) any postal packet in course of post and which ought to have been delivered to any other person; or
- (b) any postal packet in course of post or any mail bag which has been found by him or by any other person,

shall commit an offence.

29. Criminal diversion of postal packets or articles

(1) Any person who willfully and maliciously, with intent to injure any other person –

- (a) opens or causes to be opened any postal packet or article which ought to have been delivered to that other person; or
- (b) does any act so that due delivery of the postal packet or article to that other person is prevented or impeded,

shall commit an offence.

(2) Nothing in this section shall apply to a person who is a parent, or in the position of a parent or guardian of the person to whom the postal packet is addressed.

30. Damaging of posting boxes

Any person who –

- (a) places or attempts to place in or against a posting box any explosive substance, or any lighted combustible substance, or any substance by which part of the posting box or its contents may be damaged or destroyed;
- (b) without lawful authority, opens, breaks, damages, destroys or removes from the place where it has been placed, erected or fixed, any posting box;
- (c) wilfully removes, destroys or damages any posting box which belongs to a licensee and is used for post,

shall commit an offence.

31. Obstruction of licensees

(1) Any person who –

- (a) whilst in any premises used for the purposes of the business of a licensee, intentionally obstructs the course of business of the licensee; or
- (b) assaults or intentionally obstructs or incites anyone to obstruct or impede an officer or employee of a licensee in the performance of his duties,

shall commit an offence.

(2) A licensee may require a person to leave the premises used for the purposes of its business where he is in the act of committing any offence under sub-section (1), failing which he may take all reasonable steps to remove the person;

(3) Where a person is so removed, the removal shall be deemed to be lawful removal by the officer, agent or employee of the licensee.

32. Sending indecent articles by post

Any person who sends by post any indecent, obscene article or any postal packet comprising or containing any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character shall commit an offence.

Part V - POSTAGE STAMPS

33. Provision of postage stamps

- (1) There is established a Stamp Advisory Committee, comprising such members as may be nominated by the Minister, which shall advise the Authority on issues, themes and designs of postage stamps.
- (2) The Minister may give the Authority such directions as may be deemed necessary thereto.
- (3) The Authority may authorize a licensee to manufacture postage stamps on such terms and conditions as it may delete appropriate.
- (4) The Authority shall give the licensee instructions on the themes and designs for the manufacture of postage stamps and the terms and conditions applicable thereto.
- (5) All philatelic archival materials produced by the postal licensee shall belong to the Authority and shall be kept in such custody as the Minister may direct.
- (6) For the purpose of subsection (4), “philatelic archival materials” include –
 - (a) philatelic stamps;
 - (b) artworks, proofs, progressive sheets, printed sheets and printing plates of philatelic stamps; and
 - (c) date-stamps, slogan dies and other artifacts used in connection with the production of philatelic stamps.

34. Fraudulent manufacture and use of postage stamps

- (1) No person shall –
 - (a) without lawful authority or excuse, be in possession of any die, plate, instrument or contrivance used for the printing of postage stamps sold or used by a licensee;
 - (b) manufacture or, without lawful excuse, be in possession of any die, plate, instrument or contrivance or part of any such die, plate, instrument or contrivance or of any materials, for making any fictitious stamp, or any mark in imitation of, or similar to, or purporting to be any stamp or mark of a licensee;
 - (c) make, knowingly utter, deal in, or sell any fictitious stamp, or knowingly use for any postal purpose any fictitious stamp;
 - (d) without lawful excuse, have in his possession any fictitious stamp;
 - (e) without lawful authority, make on any postage stamp any mark in imitation of or similar to or purporting to be any stamp or mark a licensee;

- (f) 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 way to be altered the original appearance of any unused postage stamp issued by a licensee.
- (2) Any die, plate, stamp, instrument or contrivance or materials found in the possession of any person in contravention of this section may be seized.
- (3) Any person who contravenes this section shall commit an offence.
- (4) For the purposes of this section –

"fictitious stamp" means any facsimile, imitation, or representation, whether on paper or otherwise, of any stamp for denoting a rate of postage used or issued by a licensee.

35. Fraud in the use of postage stamps

- (1) No person shall –
 - (a) use fraudulently for the prepayment of postage on articles conveyed by the postal service used or washed postage stamps or impressions of franking machines already used;
 - (b) fraudulently remove from any postal packet, any postage stamp, or any cover or wrapper impressed with a postage stamp or bearing the impression of a franking machine, with the intent of using, appropriating or disposing of, such stamp, cover or wrapper on his own account;
 - (c) fraudulently affix upon any postal packet, any postage stamp or use any cover or wrapper which has been removed under paragraph (b); or
 - (d) intentionally be a party to any act, not specially provided for in this Act or any other enactment, with intent to defraud a licensee of any rate or charge leviable in virtue of any enactment.
- (2) Any person who contravenes this section shall commit an offence.

Part VI – MISCELLANEOUS

36. Penalties

- (1) Any person who commits an offence under this Act shall, on conviction, be liable to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 5 years.
- (2) The Court before which a person is convicted of an offence under this Act may, in addition to any penalty imposed pursuant to subsection (1), order –
 - (a) the forfeiture of any installation, apparatus or equipment used in committing the offence;

- (b) the cancellation of the licence held by the person convicted;
 - (c) that the person convicted shall not be issued with a licence for such period as the Court thinks fit;
 - (d) that a service provided to a person convicted of an offence under this Act shall be suspended for such period as the Court thinks fit.
- (3) An offence under this Act shall –
- (a) be triable by the Intermediate Court;
 - (b) not be triable by a District Court.

37. Immunity of the State or Authority

No liability shall be attached to the State or the Authority in respect of any action, claim or demand by any person in consequence of any damage arising from anything done or omitted to be done by a licensee.

38. Regulations

- (1) The Minister may on the recommendation of the Authority make such regulations as he thinks fit for the purpose of this Act.
- (2) Any person contravening any provision of the regulations shall be liable, on conviction, to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

39. Repeal

The Post Office Act 1933 is repealed.

40. Transitional provisions

- (1) Every licence issued under the Post Office Act and its regulations which has not expired prior to or on the day on which this Act comes into operation shall be deemed to have been issued under this Act and shall remain valid for the period issued.
- (2) Any regulation made under the Post Office Act shall subject to it being consistent with this Act, continue to be in force and apply to the postal service under this Act until revoked by regulations made under this Act.
- (3) Notwithstanding section 8 (1), the Mauritius Post Limited, shall be deemed to have been validly licensed under this Act.

41. Commencement

- (1) This Act shall come into force on a date to be fixed by Proclamation.
- (2) Different dates may be fixed for the coming into operation of different sections of the Act.

Passed by the National Assembly on the fifteenth day of October two thousand and two.

André Pompon
Clerk of the National Assembly

SCHEDULE

Licences (*section 8*)

(a) **Postal Service Licence**

To establish and operate a postal service offered to the public

(b) **Courier Service Licence**

To establish and operate a courier service offered to the public