CHAPTER 254

POSTAL SERVICES ACT

To provide for matters relating to the postal services.

9th December, 1975

ACT XXXV of 1975, as amended by Acts XVIII of 1977, XIII of 1983, XXXVIII of 1988, VI of 1990, XXIX of 1995, XI of 1998, VI of 2001, XXVII of 2002 and VII of 2004; Legal Notice 423 of 2007; Act XXX of 2007; Legal Notice 346 of 2008; Acts XXIII of 2009 and XII of 2010; Legal Notices 21 and 180 of 2012; and Acts VIII of 2014 and XVII of 2025.

PART I

PRELIMINARY

1. The short title of this Act is the Postal Services Act.

Short title. *Amended by: XXVII. 2002.3.*

2. (1) In this Act, unless the context otherwise requires -

Interpretation. *Amended by: XVIII.1977.2; XXVII. 2002.4; VII. 2004.30; XXX. 2007.12; XII. 2010.20; L.N. 180 of 2012; VIII. 2014.3; XVII.2025.2.*

"this Act" includes any regulations made under this Act unless the context otherwise requires;

"access points" means physical facilities, including letter boxes provided for the public either on streets, public ways, public highways or at the premises of the postal service provider or providers where postal articles may be deposited with the postal network by senders;

"article of correspondence" means a communication in written form on any kind of physical medium to be conveyed and delivered at the address indicated by the sender on the article itself or on its wrapping but does not include books, catalogues, newspapers and periodicals;

"authorisation" means any permission however so described issued in accordance with this Act, setting out rights and obligations specific to the postal sector and allowing operators to provide postal services and, where applicable, to establish and, or operate their networks for the provision of such services in the form of a general authorisation or an individual licence as defined under this article;

"authorised provider" means any person who holds a valid licence or authorisation to operate or provide postal services;

"Authority" means the Malta Communications Authority established under the Malta Communications Authority Act; Cap. 418.

"basic counter service" means a network of access points distributed throughout Malta providing postal services including the sale of stamps, registration of mail, parcel collection and delivery;

"clearance" means the operation of collecting postal articles by a postal service provider;

"cross-border mail" means mail to or from another country;

"customs duty" includes value added tax or any other tax where payable upon importation;

"data protection" includes personal data protection, the confidentiality of information transmitted, shared or stored, and protection of privacy;

"decision" includes any determination, direction, measure, requirement or specification, however so described, made by the Authority;

"direct mail" means a communication consisting solely of advertising, marketing or publicity material and comprising an identical message, except for the addressee's name, address and identifying number as well as other modifications which do not alter the nature of the message, which is sent to a significant number of addressees, to be conveyed and delivered at the address indicated by the sender on the article itself or on its wrapping and includes cross-border as well as inland mail. Bills, invoices, financial statements or other non-identical messages and communications combining direct mail with other articles within the same wrapping shall not be included as direct mail:

Provided that the Authority shall interpret the term "significant number of addressees" in relation to direct mail and publish by notice in the Gazette and on the website of the Authority, an appropriate definition from time to time;

"distribution" means the process from sorting at the distribution centre to delivery of postal articles to their addressees;

"essential requirements" means general non-economic reasons which can induce the Authority to impose conditions on the supply of postal services. These reasons are the confidentiality of correspondence, security of the network as regards the transport of dangerous goods, respect for the terms and conditions of employment, social security schemes laid down by law or administrative provision and, or by collective agreement between national social partners, in accordance with Community and national law, and where justified, data protection, environmental protection and regional planning;

"fictitious stamp" means any facsimile, imitation or representation of a postage stamp;

"foreign" used in relation to a postal article means posted in Malta and addressed to any country or place outside Malta, or vice versa;

"Gazette" means the Malta Government Gazette;

"general authorisation" means an authorisation regardless of whether it is regulated by a 'class licence' and regardless of whether such regulation requires registration or declaration procedures, which does not require the postal operator concerned to obtain an explicit decision by the Authority before exercising the rights stemming from the authorisation;

"Government" means the Government of Malta;

"individual licence" means an authorisation which is granted by the Authority and which gives a postal operator specific rights, or which subjects the operations of that operator to specific obligations supplementing the general authorisation where applicable, where the postal operator is not entitled to exercise the rights until it has received the decision by the Authority further to the operator's application for such authorisation;

"inland" used in relation to a postal article means posted in Malta and addressed to any place in Malta;

"insured article" means a service insuring a postal article up to the value declared by the sender in the event of loss, theft or damage;

"interested parties" includes licensed postal service operators, manufacturers, registered consumer associations registered in accordance with the Consumer Affairs Act and any postal users' groups duly recognised as such by the Authority which groups must satisfy any criteria that the Authority with the consent of the Minister may by notice in the Gazette prescribe; Cap. 378.

"letter" includes all postal articles which may by regulations be transmitted through the post at letter rates;

"letter-box" includes every pillar box, wall box, and every other box or receptacle provided in a place accessible to the public under the permission of the Authority for the purpose of receiving postal articles for collection by a postal operator and delivery to the addressee;

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

"mail ship" means any ship or aircraft employed for the conveyance of mail, pursuant to a contract or arrangement made by a postal operator or by an entity performing similar functions in another country;

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"master of a ship" means the person for the time being in charge or command of a vessel used in navigation, or of an aircraft, but does not include the pilot of a vessel used in navigation;

"Minister" means the Minister responsible for posts, and includes any person authorised in that behalf by such Minister;

"officer of a postal operator" includes every person employed in any business carried by a postal operator or is acting for or on behalf of a postal operator;

"parcel" means a postal article which is not an item of correspondence, the weight of which does not exceed twenty kilograms (20kg) and the dimensions of which fall within the limits of size laid down in Agreements concerning Postal Parcels adopted by the Universal Postal Union as may be amended from time to time, or

by any other convention as the Authority may prescribe;

"person" includes an association or body of persons, whether corporate or not;

"pilot" means the person in charge or command of an aircraft;

"post office" includes any branch or subdivision of a postal operator, and any house, building, room, vehicle, place or device used for the purposes of the postal operator, and any letter-box;

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

"postage stamp" means any stamp for denoting postage or other fees or sums payable in respect of postal articles, and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, card, wrapper, postcard or other article, whether such postage stamp is issued under this Act or by the Government of a foreign country or by a Postal Administration recognised by the Minister;

"postal article" means an article addressed in the final form in which it is to be carried by a postal operator. In addition to articles of correspondence, such articles also include books, catalogues, newspapers, periodicals and postal parcels, however so described, including packages containing merchandise with or without commercial value;

"postal network" means the system of organization and resources of all kinds used by the universal service provider or providers for the purposes in particular of:

(i) the clearance of postal articles covered by a universal service obligation from access points throughout Malta,

(ii) the routing and handling of those postal articles from the postal network access point to the distribution centre,

(iii) distribution to the addresses shown on postal articles;

"postal operator" means any person authorised to supply one or more postal services as defined in this Act in Malta and other countries and includes any person who carries on within or outside Malta any business or activity relating to postal services including any services that are ancillary to postal services;

"postal services" means services involving the clearance, sorting, transport and distribution of postal articles:

Provided that the provision of a service of transport alone shall not be considered as a postal service;

"postcard" means any card admissible as a postcard in accordance with this Act or under any regulation made under this Act and includes a reply postcard;

"prescribed" means prescribed by regulations made under this Act;

"printed matter" includes any newspaper and any record, tape,

film or other means whereby words or visual images may be heard, perceived or reproduced;

"private letter-box" means any box, receptacle or slot which the owner or occupier of any premises has provided for the receipt of postal articles addressed to those premises;

"prohibited" used in relation to importation or exportation includes any restriction on such importation or exportation;

"registered article" means a service providing a flat-rate guarantee against risks of loss, theft or damage and supplying the sender, where appropriate upon request, with proof of the handing in of the postal article and, or of its distribution to the addressee;

"scheme" unless the context otherwise requires, means a postal services scheme made in accordance with article 76A;

"sender" means a legal or natural person responsible for originating postal articles;

"services provided at single piece tariff" means postal services for which the tariff is set in the general terms and conditions of universal service provider or providers for individual postal articles;

"terminal dues" means the remuneration of the universal service provider or providers for the distribution of incoming cross-border mail comprising postal articles from another country;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act; Cap. 490.

"universal service" shall have the meaning given to it in accordance with article 17;

"universal service provider" means the postal operator providing the universal postal service or parts thereof within Malta as may be designated by the Authority;

"users" means any legal or natural person benefitting from postal service provision as a sender or an addressee;

"working day" means a day which is not a Sunday or public holiday.

(2) Any reference in this Act to Customs, Customs duty or laws and regulations relating to Customs, shall include a reference to any prohibition of, and any licence or permits required for, the importation or exportation of goods into or out of Malta, and to any laws and regulations relating thereto.

PART II

REGULATION AND ADMINISTRATION OF POSTAL SERVICES

Substituted by: XXVII. 2002.6.

3. The Authority is designated as the competent regulatory authority for the postal sector and shall monitor and ensure compliance with this Act and any regulations made thereunder.

Regulatory authority. *Amended by. XVIII. 1977.3. Substituted by: XXVII. 2002.7. Amended by: XII. 2010.21.*

Appeals. *Substituted by: XXVII. 2002.8; VII. 2004.32.*

4. (*Deleted by XII.2010.22*).

Observance of the principles of good administrative behaviour. *Added by: L.N. 346 of 2008.*

4A. (*Deleted by XII.2010.22)*.

Functions and procedure of the Appeal Board. *Added by: XXVII. 2002.9.*

5. (*Deleted by VII.2004.33*)

Appeal to the Court of Appeal (Inferior Jurisdiction). *Added by: XXVII. 2002.9.*

6. (*Deleted by VII.2004.33*)

Requirement of authorisation for postal services. *Added by: XXVII. 2002.9. Amended by: XII. 2010.23.*

7. (1) A person shall only provide or operate a postal service in Malta if he is authorized as a postal operator in accordance with this Act:

Provided that without prejudice to the generality of the above requirement, a person shall be deemed to have acted contrary to this subarticle if he -

(*a*) performs any service incidental to the conveyance of a postal article in breach of this subarticle; or

(*b*) sends, tenders or delivers, in order to be sent, any postal article in breach of this subarticle; or

(*c*) makes a collection of postal articles for the purpose of sending them in breach of this subarticle.

(2) An authorisation granted to a person under this Act shall not relieve such person from the requirement of any other licence or other authorisation, or from any obligation arising under any other law.

(3) The provisions of this article shall not be contravened by any activities listed as being exempt from the said provisions in regulations which the Minister after consultation with the Authority may from time to time prescribe.

Individual licences and general authorisations. *Added by: XXVII. 2002.9. Amended by: XII. 2010.24. Substituted by: VIII. 2014.4.*

8. (1) An authorization to operate or provide postal services shall:

(*a*) in respect of services within the scope of the universal service in order to guarantee compliance with the essential requirements and to ensure the provision of the universal service, be by an individual licence granted by the Authority in accordance with this Act; or

(*b*) in respect of services outside the scope of the universal services in order to guarantee compliance with the essential requirements, be by a general authorization notified to the Authority in accordance with this Act:

Provided that a postal operator authorized to provide postal services in accordance with this Act shall only provide such postal services in accordance with the authorization that it enjoys.

(2) The procedures stipulated for the issue and, or granting of any authorization under this Act shall be transparent, accessible, non-discriminatory, precise and unambiguous and shall be made public in advance and based on objective criteria.

9. (*Deleted by Act VIII. 2014.5*).

Grant or refusal of authorisation.
Added by:
XXVII. 2002.9.
Amended by:
XII. 2010.25.

9A. (*Deleted by Act VIII. 2014.5*).

Default of a reply does not amount to the granting of a licence.
Added by:
XXIII. 2009.27.

10. (*Deleted by Act VIII. 2014.5*).

Grounds for refusal.
Added by:
XXVII. 2002.9.
Amended by:
XII. 2010.26.

11. (*Deleted by XII.2010.27*).

Non-compliance with conditions of general authorisations.
Added by:
XXVII. 2002.9.

12. (*Deleted by XII.2010.27*).

Non-compliance of individual licences.
Added by:
XXVII. 2002.9.
Amended by:
VII. 2004.34.

13. (*Deleted by Act VIII. 2014.5*).

Transferability of authorisation.
Added by:
XXVII. 2002.9.
Substituted by:
XII. 2010.28.

14. (*Deleted by XII.2010.29*).

Application for authorisation.
Added by:
XXVII. 2002.9.

15. (1) In relation to any individual licence granted under this Act or at any time during the validity of any such licence, the Minister may also by legal notice order that where on any date as may be specified by the Minister any premises are held under a title of lease, emphyteusis or similar title by the Government of Malta and are used as a post office, such premises shall as from a date and or such time as may be specified by the Minister, be held by such person or body of persons holding a licence under this Act as the Minister may designate, under the same title under which they were held by the Government and such order shall have effect for such period or periods as may be specified in the order or in any extension thereof notwithstanding anything contained in any other

Transfer of assets.
Added by:
XI. 1998.2.
Amended by:
XXVII. 2002.2, 5, 10;
XII. 2010.30.

law or in any deed, instrument or contract whatsoever, as if the deed, instrument or contract granting title to said premises were entered into with such person or body of persons as aforesaid. Upon the expiration of such period or periods as may be specified under this article or upon the revocation of any order as aforesaid by the Minister, the premises subject to any order as aforesaid shall revert to Government under the same title and conditions under which they were held by Government prior to the making of any said order.

For the purposes of this article "conditions" shall include any right to periodic renewal of a lease granted under any law applicable to any lease held by Government prior to the making of an order under this article.

(2) Where any premises were at any time held by Government under a title of lease and were still used as a post office on the date of issue of a licence under this Act such lease shall in any case be deemed to have continued in favour of Government up to the date of the making of an order in terms of the provisions of subarticle (1) and the said provisions shall apply and shall have effect in respect of such premises.

(3) When the premises used as a post office consist of part of larger premises subject to a lease in favour of Government, the said lease shall remain in force in favour of Government and that part of the premises used as a post office may, notwithstanding the provisions of any other law or of any deed, instrument or contract whatsoever, be granted on sub-lease by Government to a person or body of persons holding a licence under this Act for use as a post office.

(4) In relation to any individual licence granted under this Act or at any time during the validity of any such licence, the Minister may by legal notice order that where any premises owned by Government or held by Government in terms of the provisions of any law were on any day as may be specified by him used by the Government as a post office, the Commissioner of Land may, notwithstanding the provisions of the Disposal of Government Land Act, lease for use as a post office or in connection with the provision of postal services whether exclusively or otherwise or, when the premises are Government property, transfer under any title as the case may be, such premises to any person or company as may be designated by the Minister and holding a licence under article 5A under such conditions as may be considered suitable without the need of any resolution or other procedure required by the said Disposal of Government Land Act.

Cap. 268.

Persons expressly forbidden to carry or receive letters and postcards. *Amended by: XXVII. 2002.2.*

16. (*Deleted by XII.2010.31*).

Universal service. *Added by: XXVII. 2002.11. Amended by: VII. 2004.35; XXX. 2007.13; XII. 2010.32. Substituted by: VIII. 2014.6. Amended by: XVII.2025.3.*

17. (1) Users at all points in Malta shall enjoy the rights to a universal service involving the permanent provision of a postal service of a quality as may be prescribed by the Authority, at affordable prices for all users.

(2) The universal service in the context of the provision of postal services for the purposes of this Act means the services listed in the Second Schedule, which services and any such conditions applicable thereto as may be listed in the said Schedule may, from time to time, be amended by the Minister after consultation with the Authority by means of an order..

(3) The universal service as defined in the Second Schedule covers both inland and cross-border services.

(4) For the purposes of the provision of a universal service, the minimum and maximum dimensions for postal articles shall be those laid in the relevant provisions adopted by the Universal Postal Union, as amended from time to time.

Designation of universal postal service providers. *Added by: VIII. 2014.7. Amended by: XVII.2025.4.*

17A. (1) The Authority may designate one or more postal operators to provide different elements of the universal service and, or cover different parts of the national territory, and in so doing the Authority shall also determine the rights and obligations applicable to the postal operator concerned:

Provided that the Authority may, withdraw, amend or suspend any designation made under this sub-article, provided that prior to the effective date of any such withdrawal, amendment or suspension, the Authority may, where applicable, designate another postal operator in respect of the service affected by any such withdrawal, amendment or suspension.

(2) The Authority may ensure the provision of universal services by procuring such services in accordance with the applicable public procurement rules and regulations, by competitive dialogue or negotiated procedures with or without publication of a contract notice.

(3) A universal service provider shall meet the following requirements with respect to provision of the universal service:

(*a*) guarantee compliance with the essential requirements;

(*b*) ensure that an identical service is offered to users under comparable conditions;

(*c*) ensure that the service is made available without any form of discrimination whatsoever whether arising from political, religious, racial, gender or ideological considerations;

(*d*) ensure that the service is not interrupted or stopped except in cases of *force majeure*; and

(*e*) ensure that the service evolves in response to the technical, economic and social environment and to the needs of users.

Postal services within the scope of the universal service.
Added by: VIII. 2014.7.
Amended by: XVII.2025.5.

17B. (1) A postal service is within the scope of the universal service if:

(*a*) the service is within the description of the universal service, or

(*b*) the service would be within the description of the universal service but for the fact that -

(i) in the case of a service consisting of the clearance and delivery of postal articles, the clearance or delivery is not made on every working day as required in accordance with paragraph (a) of the Second Schedule, or

(ii) the service is not provided throughout Malta, or

(iii) the service is not provided at an affordable price in accordance with a uniform tariff applicable throughout Malta pursuant to article 21, or

(*c*) the Authority determines that the postal service is of a kind that, having regard to postal service users, could reasonably be said to be interchangeable with a service of a description set out in article 17.

(2) In this article any reference to a service includes a part of that service.

Requirements of universal service.
Added by: XXVII. 2002.11.

18. (*Deleted by Act VIII. 2014.8*).

Information on universal service.
Added by: XXVII. 2002.11.

19. (*Deleted by XII.2010.33*).

Reserved services.
Added by: XXVII. 2002.11.
Substituted by: VII. 2004.36.
Amended by: XII. 2010.34.

20. (*Deleted by Act VIII. 2014.8*).

Tariff principles and transparency of accounts.
Added by: XXVII. 2002.11.
Amended by: XII. 2010.35; VIII. 2014.9.

21. The tariffs for each of the services provided by a universal service provider which form part of its universal service shall comply with the following principles:

(*a*) prices must be affordable and must be such that all users have access to the services provided;

(*b*) prices must be cost-oriented and give incentives for an efficient universal service provision;

(*c*) with the consent of the Minister, the Authority may decide that an uniform tariff shall be applied throughout Malta to services provided at single piece tariff and to other postal articles;

(*d*) the application of a uniform tariff shall not exclude the right of the universal service provider to conclude individual agreements on prices with customers;

(*e*) tariffs must be transparent and non-discriminatory;

(*f*) whenever universal service providers apply special tariffs, for example for services for businesses, bulk mailers or consolidators of mail from different users, they shall apply the principles of transparency and non-discrimination with regard both to the tariffs and to the associated conditions:

Provided that the tariffs together with the associated conditions, shall apply equally both as between different third parties and as between third parties and the universal service provider supplying equivalent services:

Provided further that any such tariffs shall also be available to users, in particular individual users, small and medium sized enterprises who post under similar conditions.

Agreements on terminal dues. *Added by: XXVII. 2002.11. Amended by: XII. 2010.36.*

22. (1) In order to ensure the cross-border provision of the universal service, the universal service provider shall, where appropriate international legal frameworks so allow, arrange in its agreements on terminal dues for cross-border mail that the following principles are respected:

(*a*) terminal dues shall be fixed in relation to the costs of processing and delivering incoming cross-border mail,

(*b*) levels of remuneration shall be related to the quality of service achieved, and

(*c*) terminal dues shall be transparent and non-discriminatory.

(2) The implementation of the principles set out in subarticle (1) may include transitional arrangements, designed to avoid undue disruption on postal markets or unfavourable implications for economic providers of postal services, provided there is agreement between the operators of origin and receipt. Such arrangements shall, however, be restricted to the minimum required to achieve these objectives.

Accounting. *Added by: XXVII. 2002.11. Amended by: VII. 2004.37; XII. 2010.37; VIII. 2014.10.*

23. The accounting procedures of the universal service provider shall be conducted in accordance with the Schedule. The Minister may, after consulting the Authority, by legal notice amend the Schedule.

Quality of service. *Added by: XXVII. 2002.11. Amended by: XXX. 2007.14.*

24. (*Deleted by XII.2010.38*).

Adoption of quality standards. *Added by: XXVII. 2002.11. Amended by: XII. 2010.39.*

25. (1) The Authority shall prescribe quality standards for inland mail which standards shall be compatible with those for Intra-Community cross-border mail as established by the European Parliament and Council.

(2) The Authority shall monitor the performance by a universal service provider of the universal service in accordance with the

quality standards for inland mail.

(3) The Authority may provide for exemptions from any quality standards as may be prescribed in accordance with this Act, if it is satisfied that exceptional situations relating to infrastructure or geography so require.

Exemptions from quality standards. *Added by: XXVII. 2002.11.*

26. (*Deleted by XII.2010.40*).

Complaints and dispute resolution. *Added by: XXVII. 2002.11.*

27. (*Deleted by XII.2010.40)*.

Consultation with interested parties. *Added by: XXVII. 2002.11.*

28. (*Deleted by XII.2010.40*).

Exemption from liability for loss, misdelivery, delay or damage. *Substituted by: XXVII. 2002.12.*

29. The postal operator shall not incur any liability for compensation by reason of loss, misdelivery, or delay of, or damage to, any postal article in the course of transmission by post, unless such compensation -

(*a*) has been agreed to by the postal operator and the sender, or

(*b*) has been established by regulations as may from time to time be prescribed under this Act, irrespective of the value of the article:

Provided neither the Authority or any of its officers or any officer of a postal operator shall incur any liability by reason of any such loss, misdelivery, delay, or damage, unless the same has been caused in bad faith or recklessly.

Declaration to be made by postal officers. *Amended by: XXVII. 2002.2, 13.*

30. (*Deleted by XII.2010.40*).

Inland postage and ancillary fees. *Amended by: XXVII. 2002.2, 14.*

31. (*Deleted by XII.2010.41*).

Foreign postage and ancillary fees. *Amended by: XVIII. 1977.4; XXVII. 2002.2, 5, 15.*

32. (*Deleted by XII.2010.41*).

Added by: XII. 2010.42.

PART III

CUSTOMS

Application of Customs laws. *Amended by: XXVII. 2002.2.*

33. Subject to the provisions of this Act and to any exceptions and modifications made by regulations under article 32, the provisions of all laws and regulations for the time being in force relating to Customs shall apply to goods contained in any postal article received from abroad, in like manner, as far as is consistent

with the tenor thereof, as they apply to other goods; and in relation to those goods, persons may be punished for offences against the said laws and regulations, and goods may be examined, seized and forfeited, and the officers examining and seizing them shall be protected, and legal proceedings in relation to the matters aforesaid may be taken accordingly, under the said laws and regulations.

Transmission by post of dutiable articles. *Amended by: XVIII. 1977.5; XXVII. 2002.2, 16.*

34. (1) Any postal article containing goods subject to the payment of Customs duty shall, unless specially exempted by regulations made under this Act, be accompanied by or bear a declaration of the contents and of the value of the goods.

(2) No letter posted in Malta for delivery in a country which has not given its consent to the admission of dutiable goods by letter post, shall contain any such goods.

(3) Goods, subject to the payment of Customs duty, posted or tendered for conveyance by post in contravention of the foregoing provisions of this article, may be detained and returned to the sender.

(4) Goods concealed or packed in any postal article in such a manner as to reveal a fraudulent intention on the part of the sender or addressee to evade the payment of Customs duty shall be confiscated by the Comptroller of Customs:

Provided that where the postal operator or the Authority have reason to believe that the provisions of this subarticle may have been contravened they shall withhold delivery of the postal article to its addressee and shall inform the Comptroller of Customs accordingly.

(5) Postal articles unaccompanied by a declaration of contents and value as aforesaid, or accompanied by a false declaration of either contents or value, or bearing a false indication of contents, or containing goods the importation or exportation whereof into or out of Malta is prohibited, may be confiscated, together with their contents, by the Comptroller of Customs:

Provided that where the postal operator or the Authority have reason to believe that the provisions of this subarticle may have been contravened they shall withhold delivery of the postal article to its addressee and shall inform the Comptroller of Customs accordingly.

(6) In either of the cases contemplated in subarticles (4) and (5), the sender or addressee may, within three months of the notification to the addressee of such confiscation, take proceedings against the Comptroller of Customs to show cause why such goods should not be released.

Opening of postal articles for the purpose of enforcing Customs laws. *Amended by: XXVII. 2002.2, 5, 17.*

35. (1) All postal articles, except letters, received from abroad may be opened and examined at any post office by an officer of the Customs in the presence of an officer of a postal operator, for the purpose of enforcing the provisions of any law or regulation relating to Customs.

(2) Such postal articles, after being opened, shall be repacked in a suitable cover, secured by a seal, bearing the inscription "Opened by Customs".

(3) Letters containing articles liable to Customs duty accompanied by a declaration of contents and value, and bearing on the outside a declaration that they may be opened officially, may be opened under the same conditions laid down in the two preceding subarticles.

(4) If any letter received from abroad not bearing a declaration that it may be opened officially, is reasonably suspected to contain goods subject to payment of Customs duties or the importation of which into Malta is prohibited, the Authority may direct that it be opened in such a manner as the Authority thinks fit, in the presence of the addressee, or in his absence, if, having been notified in writing to attend at the opening, the addressee shall fail to do so within seven working days:

Provided that where a postal operator has a reasonable cause to suspect that the provisions of subarticle (4) has been contravened, the postal operator shall not deliver the postal article to its addressee and shall notify the Comptroller of Customs accordingly by the next working day.

Recovery of customs duty. *Added by: XII. 2010.43.*

35A. Where a postal article, on which any customs duty is payable, has been received by post from any place outside Malta, the amount of such duty shall, without prejudice to the operation of any law in terms of which such duty is due, also be recoverable as if it were postage under this Act.

Duty of masters of ships not being mail ships to carry mail bags. *Added by: XII. 2010.43.*

35B. (1) Every master of a ship, not being a mail ship, which is about to depart from any port or place in Malta to any port or place beyond Malta shall receive on board any mail bags tendered to him for conveyance by any officer of a postal operator, shall grant a receipt therefor to the said officer, and shall without delay and after taking all necessary measures and precautions for the safety of the mail bags, deliver the same to the postal authorities at the port or place of destination of the ship.

(2) The master of any ship receiving on board any mail bag under the foregoing provisions of this article shall be entitled to the immediate payment of such gratuity as may be payable for the service to be given under those provisions in accordance with the rates established by the Authority and published in the Gazette.

(3) The provisions of subarticle (1) and (2) shall *mutatis mutandis* apply also to the conveyance of mail bags from one place to another within Malta.

Re-numbered by: XII. 2010.44.

PART IV

POSTAGE STAMPS

36. (1) The Minister shall be responsible for the approval of postage stamp issues and the formulation of a programme in respect of postage stamp issues:

Provision of postage stamps. *Amended by: XVIII. 1977.6. Substituted by: XXVII. 2002.18. Amended by: XII. 2010.45.*

Provided that in doing so the Minister shall consult a stamp advisory board consisting of a chairman and not less than four and more than eight other members appointed by the Minister for a term of not more than three years, which term may be renewed. Subject to the issue of any regulations made under this Act, the Board shall regulate its own procedure in the conduct of its business:

Provided further that the Minister may be order in the Gazette delegate his functions under this article to a public officer not below the grade of director within his Ministry.

(2) The Minister may, after consultation with the postal operators concerned, by notice published in the Gazette, direct that any postage stamps, in use at the time of such notice, shall be no longer valid for prepayment of postage, and from and after any day stated in such notice, any postal article stamped with postage stamps so invalidated, shall be deemed to be not duly stamped for the purposes of this Act and of any directives or regulations made thereunder:

Provided that any person, having in his possession any postage stamps invalidated by the Minister as aforesaid, may at any time within two months after the day stated in the said notice, surrender the same to a postal operator, who shall exchange them for other valid postage stamps of an equal value.

37. (*Deleted by XII.2010.46*).

Fictitious or used postage stamps. *Amended by: XVIII. 1977.7; XXVII. 2002.2, 5, 19.*

38. (*Deleted by XII.2010.46*).

Regulations for the custody, supply and sale of postage stamps, etc. *Substituted by: XVIII. 1977.8. Amended by: XXVII. 2002.2, 20.*

PART V

Re-numbered by: XII. 2010.47.

TRANSMISSION AND DELIVERY OF POSTAL ARTICLES

39. (*Deleted by XII.2010.48*).

Posting and delivery of postal articles. *Substituted by: XXVII. 2002.21.*

Premises to be provided with letter boxes, etc.
Amended by: XVIII. 1977.9; XIII. 1983.5; XXXVIII. 1988.2; XXVII. 2002.2, 5, 22; L.N. 423 of 2007; XII. 2010.49.

40. (1) All premises shall be provided by their respective owner or occupier with an adequate private letter-box so as to enable the delivery by a postal operator of postal articles addressed to his premises:

Provided that for the purposes of this article, the term "owner" shall include, in respect of any property, the administrator of such property and where the property is subject to a usufruct, or is given on emphyteusis or sub-emphyteusis, the expression shall be deemed to refer to the usufructuary, the emphyteuta or the sub-emphyteuta as the case may require.

(2) Every owner who fails to comply with the provisions of this article shall be guilty of an offence and shall be liable, on conviction, to a fine (*ammenda*) not exceeding one hundred euro (€100):

Provided that the Authority in special circumstances may in writing exempt persons from complying with the provisions of this article.

(3) The postal operator may refuse to deliver any postal article where the premises to which it is addressed is not provided with a private letter-box as required in subarticle (1) or the private letter-box provided is such that the postal article cannot be placed in the box through an opening in the box adequate for the purpose; and in any such case the postal operator may return the postal article to the sender, under such conditions as he may deem fit, or otherwise deal with it as he may deem appropriate.

(4) A postal operator may also refuse to deliver any postal article where the premises to which it is addressed may be of threat to the health and personal safety of the officer of a postal operator.

Delivery of letters to take precedence over delivery of other postal articles.
Amended by: XXVII. 2002.2, 5.

41. (*Deleted by XII.2010.50*).

Meaning of "in course of transmission and delivery".
Amended by: XVIII. 1977.10; XXVII. 2002.2, 5, 23; XII. 2010.51.

42. For the purposes of this Act -

(*a*) a postal article shall be deemed to be in 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 of its being returned to the sender or otherwise disposed of under article 43;

(*b*) the placing of a postal article in any post office letter-box, or the delivery of a postal article to an officer of a postal operator authorised to receive such postal article for transmission by post, shall be deemed to be delivery to a post office;

(*c*) 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 authorised to receive the article according to the usual manner of delivering postal articles to the addressee, shall be

deemed to be delivery to the addressee;

(*d*) when the addressee is a guest or a resident at a hotel, lodging house, club, hospital, institution or place of work, a postal article shall be deemed to have been delivered to the addressee if delivered to the person who, as owner or manager of any such place as aforesaid or as agent for or an employee in any such place, is considered to be responsible for receiving postal articles:

Provided that if the postal article so deemed to have been delivered is not claimed by or forwarded to the addressee within one month, the person responsible for or in charge of the hotel, lodging house, club, hospital, institution or place of work shall, in the absence of contrary instructions of the addressee, return forthwith the postal article to the postal operator who shall dispose of such postal article as provided under the provisions of article 23.

Refusal of transmission and the delivery of postal articles to sender. *Substituted by: XVIII. 1977.11. Amended by: XXVII. 2002.2, 24; XVII.2025.6.*

43. (1) The postal operator may refuse to transmit abroad any postal article containing anything which is prohibited entry by the country of destination; and if any such postal article is detected in the course of transmission, the postal operator may return it to the sender under such conditions as he may deem fit or otherwise deal with it as he may deem appropriate.

(2) The postal operator may also return to the sender under such conditions as he may deem fit or otherwise deal with it as he may deem appropriate, any postal article which is in course of transmission by post whenever he is satisfied that such postal article has been posted by mistake or has been posted with wrong or missing contents.

(3) The postal operator shall keep a register recording any actions he takes in pursuance of the provisions of this article and shall when requested by the Authority forward to it information on the actions taken.

Undelivered postal articles and delivery of parcels. *Substituted by: XXVII. 2002.25.*

44. (*Deleted by XII.2010.52)*.

Postal articles delivered to a post office not subject to attachment except in certain cases. *Amended by: XXVII. 2002.2, 5.*

45. (*Deleted by XII.2010.52)*.

Delivery of postal articles in cases of bankruptcy. *Amended by: XXVII. 2002.2, 5, 26.*

46. (*Deleted by XII.2010.52)*.

Transmission by post of certain articles.
Substituted by: XVIII. 1977.12.
Amended by: XXVII. 2002.2, 27.

47. (*Deleted by XII.2010.54*).

Postal articles in contravention of article 26.
Amended by: XVIII. 1977.13; XXIX.1995.2; XXVII. 2002.2, 28.

48. (*Deleted by XII.2010.54)*.

The Printed Matter Appeals Board.
Amended by: XXVII. 2002.2, 5, 29.

49. (*Deleted by XII.2010.54*).

Liability for payment of postage.
Amended by: XXVII. 2002.2.

50. (*Deleted by XII.2010.55*).

Recovery of amounts due.
Amended by: XXVII. 2002.2, 30.

51. (*Deleted by XII.2010.55*).

Recovery of Customs duty.
Amended by: XXVII. 2002.2, 31.

52. (*Deleted by XII.2010.55)*.

Official mark to be evidence of amount of postage.
Amended by: XXVII. 2002.2, 5, 32.

53. (*Deleted by XII.2010.55*).

Duty of master of ship arriving at any port or place in Malta.
Amended by: XXVII. 2002.2, 33.

54. (*Deleted by XII.2010.56*).

Duty of Customs or Police officers.
Amended by: XXVII. 2002.2, 34.

55. (*Deleted by XII.2010.56*).

Duty of masters of ships not being mail ships to carry mail bags.
Amended by: XXVII. 2002.2, 5.

56. (1) Every master of a ship, not being a mail ship, which is about to depart from any port or place in Malta to any port or place beyond Malta shall receive on board any mail bags tendered to him for conveyance by any officer of a postal operator, shall grant a receipt therefor to the said officer, and shall without delay and after taking all necessary measures and precautions for the safety of the mail bags, deliver the same to the postal authorities at the port or place of destination of the ship.

(2) The master of any ship receiving on board any mail bag under the foregoing provisions of this article shall be entitled to the immediate payment of such gratuity as may be payable for the service to be given under those provisions in accordance with the rates established by the Authority and published in the Gazette.

(3) The provisions of subarticle (1) and (2) shall *mutatis mutandis* apply also to the conveyance of mail bags from one place to another within Malta.

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57. (*Deleted by XII.2010.57*).

Power to make regulations for money order system.
Amended by: XXVII. 2002.2, 35.

58. (*Deleted by XII.2010.57*).

Power of remitter to recall money order or alter name of payee.
Amended by: XXVII. 2002.2, 36.

59. (*Deleted by XII.2010.57*).

Power to provide for issue of postal orders.
Amended by: XXVII. 2002.2, 37.

60. (*Deleted by XII.2010.57*).

Money paid in excess or to wrong person.
Amended by: XXVII. 2002.2, 5, 38.

PART VI

Amended by: XII. 2010.59.

OFFENCES AND ENFORCEMENT

62. Any person who -

Offences related to the regulation and provision of postal services.
Amended by: XIII. 1983.5. Substituted by: XXVII. 2002.40. Amended by: L.N. 423 of 2007; XXX. 2007.15. Substituted by: XII. 2010.60.

(*a*) assaults or obstructs or impedes any officer, employee or agent of a postal operator in the exercise of his duties with such an operator;

(*b*) uses any postal service, and as a result causes any injury or alarm or is likely to cause any injury or alarm;

(*c*) for the purpose of sending a postal article by post, uses a fictitious stamp or purports to prepay such postal article with any stamp which has been previously used to prepay any other postal article, or which has otherwise been previously used for any other purpose;

(*d*) without any lawful authority makes use of any seal, instrument or mark used by the Authority or by a postal operator for marking any postage stamp or for affixing any other mark;

(*e*) places in or against any letter-box provided by a postal operator for the reception of postal articles, any fire or any explosive, dangerous, dirty, noxious or deleterious substance of 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;

(*f*) 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;

(*g*) detains, except under the authority of this Act or in obedience to an order by the Authority or by the competent court or tribunal, any postal article in course of transmission by post, or any officer of a postal operator or any vehicle carrying mails bags or postal articles, or on any pretence opens a mail bag in course of transmission by post, or fails to return a postal article to the postal operator as required by the proviso to article 42(*d*);

(*h*) maliciously opens or causes to be opened any postal article which ought to have been delivered, or maliciously does any act whereby the due delivery of a postal article, is prevented or delayed, or communicates or makes use of any information obtained from a postal article so opened,

shall be guilty of an offence under this Act and shall, on conviction, be liable to a fine (*multa*) of between one thousand euro (€1,000) and twenty-five thousand euro (€25,000), or to imprisonment for a term from one to twelve months, or to both such fine and imprisonment.

Authority may suspend or revoke licence, etc.
Added by: XXVII. 2002.41.

63. (*Deleted by XII.2010.61*).

Proceedings for offences.
Added by: XXVII. 2002.41.
Amended by: XII. 2010.62.

64. (1) Proceedings for an offence under this Act committed by a postal operator or a person providing postal services shall only be undertaken:

(*a*) at the written request of the Authority; or

(*b*) after prior notification in writing by the prosecuting authority to the Authority and following the written reply of the Authority which shall be given due consideration.

Cap. 9.

(2) Notwithstanding anything contained in the Criminal Code, an appeal to the court of competent jurisdiction shall lie to the prosecution against any judgement delivered in any proceedings with respect to an offence under this Act.

(3) The Authority may assist in or conduct the prosecution with respect to any offences under this Act.

Penalty for breach of regulations under article 38.
Amended by: XIII. 1983.5; XXVII. 2002.2, 5, 42; L.N. 423 of 2007.

65. (*Deleted by XII.2010.63)*.

Prohibition of transmission by post of certain articles. *Amended by: XIII. 1983.5; XXVII. 2002.2, 43; L.N. 423 of 2007. Substituted by: XII. 2010.64. Amended by: VIII. 2014.11.*

66. (1) Any person who sends or tenders, or makes over in order to send by post any creature, or any article or thing of any kind, or any sharp instrument, including but not limited to any explosive, inflammable, dangerous, dirty, noxious or deleterious substance, which is likely to soil or damage other postal articles in the course of their transmission by post or to physically injure and, or threaten in any manner any person or persons shall, on conviction, be liable to a fine (*multa*) of between one thousand euro (€1,000) and twenty-five thousand euro (€25,000), or imprisonment for a term from one to twelve months, or to both such fine and imprisonment:

Provided that such a penalty shall not apply to postal articles which contain articles generally or specifically permitted by the postal operator concerned.

(2) Subject to the provisions of this Act, if a postal operator has reason to believe that any postal article has been posted or sent by post in breach of subarticle (1), the postal operator shall withhold delivery of any suspect postal article to the addressee and shall refer the postal article to the Police forthwith. The postal operator may, with the consent of the Police, return the postal article to its sender or forward it to its destination or destroy or otherwise dispose of such article as the case may be. In all cases, the postal operator shall inform the Authority of any suspect postal article and of any action taken in relation to it within the next working day.

(3) Notwithstanding the provisions of subarticle (2), any postal article which is reasonably believed to contain any explosive, inflammable, noxious, dangerous or deleterious substance or other thing which may expose any person to injury shall be immediately referred to the competent authorities as the case may be. The postal operator shall also inform the Authority thereof forthwith.

(4) Where a postal article has been detained under subarticles (2) and (3), the sender of such article shall be liable to prosecution as if such article has been delivered in due course by post.

(5) In case of a postal article addressed to a person legally entitled to provide television broadcasting services in Malta which consists of audiovisual material which has been posted or sent by post only for the purpose of its being broadcast on television according to the provisions of the broadcasting legislation, the postal operator shall immediately refer the matter to the Authority which, if satisfied that the said article has been posted or sent by post for such purpose, shall direct the postal operator to deliver such postal article to the addressee without further examination.

Making use of fictitious stamps. *Amended by: XXVII. 2002.2, 44; L.N. 423 of 2007.*

67. (*Deleted by XII.2010.65*).

Making unlawful use of postmarks. *Substituted by: XXVII. 2002.45. Amended by: L.N. 423 of 2007.*

68. (*Deleted by XII.2010.65*).

Penalty for injuring post office letter-box.
Amended by: XXVII. 2002.2, 46.

69. (*Deleted by XII.2010.65*).

Penalty for disfiguring post offices.
Amended by: XIII. 1983.5; XXVII. 2002.2, 5, 47; L.N. 423 of 2007.

70. (*Deleted by XII.2010.65*).

Offences related to ship or air mails.
Amended by: XIII. 1983.5; XXVII. 2002.2, 48; L.N. 423 of 2007.
Substituted by: XII. 2010.66.

71. (1) Every master of a ship or a pilot of an aircraft having on board any postal article or mailbag which is directed to Malta, shall, immediately on arriving in Malta, cause such postal article or mail bag to be delivered to the postal operator entitled to receive the same:

Provided that if the agent of a ship or aircraft is aware of the presence on board of any such postal article or mail bag, or that any such article or bag has been removed from such ship or aircraft, he shall, without delay, bring such fact to the notice of the postal operator concerned.

(2) A person acting in breach of any of the provisions of this article shall, on conviction, be liable to a fine (*multa*) of between two hundred euro (€200) and two thousand euro (€2,000).

Punishment for retention of postal articles on board ship arriving in Malta.
Amended by: XIII. 1983.5; XXVII. 2002.2, 49; L.N. 423 of 2007.

72. Any master of a ship arriving at any port or place in Malta, or any person on board such ship or aircraft who knowingly has in his baggage or in his possession or custody, after the postal articles on board or any of them have been sent to the postal operator concerned any postal article shall be liable, on conviction, to a fine (*multa*) not exceeding one thousand and one hundred and sixty euro (1,160).

Seizure of postal articles.
Amended by: XVIII. 1977.14; XIII. 1983.5; XXVII. 2002.2, 5, 50; L.N. 423 of 2007.
Substituted by: XII. 2010.67.

73. It shall be lawful for any Customs or Police officer to seize any mail bag or postal article found on board any ship or aircraft in any place in Malta, in respect of which any provision of this Act has been infringed, and in any such case such officer shall also inform the Authority of any such seizure.

Punishment for unlawfully opening postal articles.
Amended by: XXVII. 2002.2.

74. (*Deleted by XII.2010.68*).

Breach of declaration given on oath.
Amended by: XIII. 1983.5; XXVII. 2002.2, 5, 51; L.N. 423 of 2007.

75. (*Deleted by Act VIII. 2014.12*).

Saving with regard to other offences. *Amended by: XXVII. 2002.2.* Cap. 9 Cap. 10. Cap. 37.

76. Nothing in this Act shall affect the operation of the Criminal Code or of the Code of Police Laws or of the Customs Ordinance or of any other law, in respect of any act or omission constituting an offence under such laws or a breach of the fiscal laws, liable to a punishment higher than that laid down in this Act or in respect of any offence or contravention not specifically provided for in this Act.

Issue of directives and administrative fines. *Added by: XXX. 2007.16. Amended by: XII. 2010.69.* Cap. 418.

76A. (1) The Authority may in accordance with the provisions of article 4(6) and (7) of the Malta Communications Authority Act, issue any such directives to any postal operator as it may consider to be necessary for the purposes of and in accordance with the provisions of this Act.

(2) Without prejudice to the generality of subarticle (1) the Authority may in particular issue directives to an universal service provider in respect of any of the following:

(*a*) the quality of the postal services to be provided, including compliance with any quality standards that the Authority may establish and any corrective action as the Authority may consider necessary in this regard;

(*b*) to ensure that the density of access points takes account of the needs of users;

(*c*) compliance with any requirements of the universal services as may be onerous on that provider;

(*d*) compliance with the principles as stated under articles 21 and 22;

(*e*) the manner and time in which postal articles may be posted and delivered, including the core hours during which post offices are to be open to the public;

(*f*) the disposal and, or detention of postal articles which for any reason cannot be delivered;

(*g*) schemes pertaining to postal services:

Provided that before issuing any directives under this subarticle the Authority shall consult with the universal service provider or providers concerned and with any such other stakeholders as the Authority may in the circumstances consider appropriate.

(3) Any postal operator who fails to comply with a directive or a decision, however so described, issued by the Authority, shall be liable to the imposition by the Authority of an administrative fine of up to twenty-five thousand euro (€25,000), and, or up to five hundred euro (€500) for each day during which failure to observe the requirements of any such directive or decision persists.

Administrative sanctions. *Added by: XII. 2010.70.* Cap. 418.

76B. Unless otherwise provided under this Act, the Authority may, in accordance with the provisions of Part VII of the Malta Communications Authority Act, impose such sanctions as it may consider appropriate in accordance with the aforesaid Act, upon any person who acts in breach of any provision of this Act:

Provided that any administrative fine that the Authority

may decide to impose for the breach of any provision of this Act shall in no case exceed twenty-five thousand euro (€25,000) for each breach, and, or five hundred euro (€500) for each day during which any such breach continues.

Re-numbered by: XII. 2010.71.

PART VII

GENERAL PROVISIONS

Secrecy. *Substituted by: XVIII. 1977.15. Amended by: XXVII. 2002.2, 5, 52.*

77. (*Deleted by XII.2010.72*).

Exemption from liability in respect of money and postal orders. *Amended by: XXVII. 2002.2, 5, 39; XII. 2010.58; VIII. 2014.13.*

77A. Saving the provisions of article 29, no action shall lie against the Government, the Authority or any of its officers, a postal operator or an officer of a postal operator in respect of -

(*a*) anything done under any regulation made by virtue of the provisions of article 81;

(*b*) the wrong payment of a money order or of a postal order;

(*c*) any loss or injury occasioned by delay in payment of a money order or of a postal order;

(*d*) any other irregularity in connection with a money order or postal order;

(*e*) anything done by the Authority in pursuance of the powers given to it by this Act.

Officers exempted from serving as jurors. *Amended by: XXVII. 2002.2, 53.*

78. (*Deleted by XII.2010.72*).

Saving. *Amended by: XXVII. 2002.2.*

79. (*Deleted by XII.2010.72*).

Transitory provisions. *Added by: XXVII. 2002.54. Amended by: XII. 2010.73; VIII. 2014.14.*

80. (1) The licence issued by the Minister to Maltapost p.l.c. with effect from the 1st May 1998 under this Act shall, notwithstanding the repeal of any provisions of this Act in force at the time of issue of the said licence, continue to have effect subject to the provisions of this Act as these may be amended from time to time and until the making in respect thereof of such modifications, adaptations and limitations as the Minister after consulting the Authority may deem necessary or appropriate for the purpose.

(2) Any modifications, adaptations and limitations to any individual licence shall be made by the Authority in accordance with the provisions of this Act.

(3) Any order, regulation or legal notice issued in terms of any provisions of this Act and in force on the 1st May 1998 shall, notwithstanding the repeal of any provisions of this Act, continue

to be in force and to have effect until repealed or amended in accordance with article 81.

Power to make regulations.
Added by: XXVII. 2002.54.
Amended by: L.N. 423 of 2007; XXX. 2007.17; XII. 2010.74; VIII. 2014.15.

81. (1) The Minister may, after consultation with the Authority, make regulations in respect of any of the functions of the Authority or for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the aforesaid power, such regulations may in particular provide:

(*a*) for any matters in respect of authorisations under this Act, including the establishment of fees and of registration and declaration procedures, and for the making of any deposit or the giving of any guarantee to ensure the performance of any obligation imposed as a condition to any such authorisation;

(*b*) for the minimum standards to be adopted in the provision of postal services including the accessibility and dimensions of private letter-boxes and matters relating to health and safety, and in the context of basic counter services for the variation of the requirements with regard to the universal postal services that are to be provided;

(*c*) for the better protection of the interests of users of the postal services and for the establishment of any criteria or procedures to be followed by postal operators in the handling of complaints;

(*d*) for ensuring fair competition in all practices, operations and activities relating to postal services;

(*e*) for the undertaking of investigation on any matter relating to postal services regulated by or under this Act and the provision and, or retention of any information, the issue of directives or guidelines to the public, to postal operators, and to commercial entities on matters relating to postal services;

(*f*) for the compliance with any international obligation entered into by Government in relation to any aspect of postal services regulated by or under this Act including giving effect to the provisions of any convention, agreement or regulations, however so described, of the Universal Postal Union or any postal administration outside Malta as may be applicable to Malta;

(*g*) for regulating any aspect of postal services relating to universal services with regard to the time, manner, place and condition in which or under which such services are to be provided and including any funding mechanism in to order to ensure the provision of such services;

(*h*) in the case of universal services, for the prepayment of postage and postal fees on postal articles and prescribe

the manner in which prepayment is to be made;

(*i*) in the case of universal services, for the postage and the postal fees to be charged on postal articles when the postage or the postage fees are not prepaid or are insufficiently prepaid;

(*j*) for the re-direction of postal articles, and the transmission by post of articles so re-directed, either free of charge or subject to such further charge as may be specified in the regulations;

(*k*) for the terms and conditions subject to which postal articles may be registered and insured, and the compensation payable for the loss of or damage to such articles;

(*l*) for the free transmission by post of such returns or other information as may be specified in the regulations;

(*m*) for the manner and conditions in and subject to which money orders, postal orders, payment cards and similar instruments, however so described, for the remittance of money may be issued, paid and cancelled, the rates of commission leviable thereon and the levy of additional rates of commission or fees;

(*n*) after consultation with the Minister responsible for Customs, for the modification or exception, subject to the provisions of this Act, of the application to postal articles received from abroad of any laws or regulations for the time being in force relating to the Customs, for the purpose of securing, in the case of such postal articles, the observance of such laws or regulations;

(*o*) for enabling officers of a postal operator to perform, for the purpose of the customs laws, all or any of the duties of the importer and exporter;

(*p*) for the Authority to be empowered to impose administrative fines or other sanctions upon any postal operator acting in contravention of any provisions of this Act or of any regulations or directives made thereunder and provide for the procedure for the imposition and enforcement of such fines which procedures may include provisions to the effect that any such fines shall constitute an executive title for the effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure: Cap. 12.

Provided that the administrative fines provided for by regulations or directives made under this article shall not exceed the sum of twenty-five thousand euro (€25,000) for each offence and five hundred euro (€500) for each day during which failure to observe the provisions of this Act or of any regulations made

thereunder or of any authorisation persists;

(*q*) for the custody, supply, sale and use of postage stamps and postal stationery, including the sale of such stamps and postal stationery for philatelic purposes and the levying of appropriate charges connected therewith, and for the use of franking machines for the purpose of denoting the prepaying of postage in place of postage stamps, and for prescribing the procedure to be used for the approval of postage stamp issues and for the appointment of any Board relating thereto;

(*r* for prescribing that any person who acts in contravention of any regulation made under this Act shall be guilty of an offence and for establishing the penalties to which such person may be liable:

Provided that no such penalty shall be greater than a fine (*multa*) exceeding ten thousand euro (€10,000);

(*s*) for prescribing the manner as to how any notice, instrument, act or document which is required or authorised by or under this Act may be served or given;

(*t* for prescribing anything which may be or is required to be prescribed by this Act.

Added by:
XXVII. 2002.57.
Amended by:
VII. 2004.38.
Re-numbered by:
XII. 2010.75
Amended by:
XII. 2010.76;
VIII. 2014.16;
XVII.2025.7.

FIRST SCHEDULE

(Article 23)

Accounting procedures

1. Subject to article 23 of this Act and in accordance with any directives as the Authority may issue, the universal service provider or providers shall keep separate accounts within their accounting system, for each of the services and products which are part of the universal service on the one hand and those which are not on the other. Such internal accounting system shall operate on the basis of consistently applied and objectively justifiable cost accounting principles.

2. The accounting system referred to in paragraph 1 shall, without prejudice to paragraph 3, allocate costs in the following manner:

(*a*) costs which can be directly assigned to a particular service shall be so assigned;

(*b*) common costs, that is costs that cannot be directly assigned to a particular service, shall be allocated as follows:

(i) whenever possible, common costs shall be allocated on the basis of direct analysis of the origin of the costs themselves;

(ii) when direct analysis is not possible, common cost categories shall be allocated on the basis of an indirect linkage to another cost category or group of cost categories for which a direct assignment or allocation is possible; the indirect linkage shall be based on comparable cost structures;

(iii) when neither direct nor indirect measures of cost allocation can be found, the cost category shall be allocated on the basis of a general allocator computed by using the ratio of all expenses directly or indirectly assigned or allocated, on the one hand, to each of the universal services and on the other hand, to the other services;

(iv) common costs, which are necessary for the provision of both universal services and non-universal services, shall be allocated appropriately; the same cost drivers must be applied to both universal services and non-universal services.

3. Other cost accounting systems may be applied only if they are compatible with paragraph 1 and have been approved in advance in writing by the Authority.

4. The universal service provider shall comply with one of the cost accounting systems described in paragraphs 1 and 2 which shall be verified by auditors independent of the provider and the expense of such auditors shall be paid by the provider. The provider shall publish a statement concerning compliance in two daily newspapers at least once every calendar year.

5. The Authority shall keep available, to an adequate level of detail, information on the cost accounting systems applied by the universal service provider.

6. The Authority may request the universal service provider to provide, in

confidence, detailed accounting information arising from such cost accounting systems.

7. The Authority may require postal service providers which are obliged to contribute to a compensation fund to introduce an appropriate accounting separation to ensure the functioning of the fund.

8. The financial accounts of the universal service provider shall be drawn up, submitted to audit by an independent auditor and published by the provider in accordance with the relevant Community and Maltese law relating to commercial undertakings.

Added by:
XVII.2025.8.

SECOND SCHEDULE
(Article 17(2))

The universal service in the context of the provision of postal services for the purposes of this Act means:

(*a*) that on not less than five (5) working days a week, save in circumstances deemed exceptional by the Authority, there shall be at least:

(i) one (1) clearance of postal articles; and

(ii) one (1) delivery to the home or premises of every person in Malta or, as the Authority considers appropriate, under such conditions as it may determine from time to time, to appropriate installations:

Provided that the Authority may determine the working days when the universal service is to be provided;

(*b*) that as a minimum the following services are provided:

(i) the clearance, sorting, transport and distribution of postal articles up to two kilograms (2kg) in weight;

(ii) the clearance, sorting, transport and distribution of parcels up to ten kilograms (10kg) in weight:

Provided that parcels received from other Member States of the European Union and other countries which are signatories to the Universal Postal Convention of the Universal Postal Union, and weighing up to twenty kilograms (20kg), are delivered throughout Malta;

(iii) services for registered articles;

(iv) services for insured articles within Malta and to and from all countries which, as signatories to the Universal Postal Convention of the

Universal Postal Union, declare their willingness to admit such items whether reciprocally or in one (1) direction only;

(v) services free of charge for the blind or partially sighted persons as may be determined by the Authority; and

(vi) a basic counter service throughout Malta.