

L.N. 328 of 2005

**POSTAL SERVICES ACT
(CAP. 254)**

Postal Services (General) Regulations, 2005

IN EXERCISE of the powers conferred by articles 7, 31, 32, 57 and 81 of the Postal Services Act, the Minister for Competitiveness and Communications, after consultation with the Malta Communications Authority, has made the following regulations:

1. The title of these regulations is the Postal Services (General) Regulations, 2005. Title.

Part I

Preliminary

2. (1) Any reference in these regulations to the “Act” is a reference to the Postal Services Act and any regulations made thereunder unless the context otherwise requires, and subject to the provisions of subregulation (2) of this regulation, the provisions of article 2 of the Act shall apply to these regulations. Interpretation. Cap. 254,

(2) In these regulations unless the context otherwise requires: -

“articles for the use of the blind” means:

(a) articles of correspondence to and from blind persons, impressed or otherwise prepared for the use of the blind,

(b) books, catalogues, newspapers and periodicals, impressed or otherwise prepared for the use of the blind or

posted to any person for the purpose of being so impressed or prepared,

(c) aids for the teaching of braille to the blind,

(d) plates for embossing literature for the blind,

(e) any form of speech recording for the use of the blind,
and

(f) braille instructional devices, including tools, precision instruments and games (including card games), and includes any other article which the Authority considers to be an article for the use of the blind;

“box-holder” means a person in whose name a private delivery box is registered;

“coin” means coin whether current or not, except such as is used or designed for purposes of ornament;

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“directive” means any directive that the Authority may issue in accordance with article 4 of the Malta Communications Authority Act;

“European Commission” means the Commission of the European Communities;

“franking machine” means a machine for making impressions indicating the value of the postage pre-paid on postal articles;

“impression slip” means the label affixed to a postal article and bearing on it an impression made by a franking machine indicating the value of the postage pre-paid;

“incoming”, as applied to a postal article of any description, means a postal article received through the post from a place outside Malta for delivery to any place in Malta;

“money order exchange arrangement” means any treaty, convention, agreement or undertaking howsoever so described between Malta and such other country, or which applies to both such countries or to one of them, or of which both such countries or one of them are party thereof, which regulates the issue, transmission and encashment of money orders through postal administrations;

“national regulatory authority” means any such body as is notified for the purposes of Community law to the European Commission by a Member State of the European Union as having been assigned tasks in the regulation of postal services;

“outgoing”, as applied to a postal article of any description, means a postal article posted in Malta for onward transmission through the post to a place outside Malta;

“paper money” includes:

(a) bank notes or currency notes, being current in Malta or elsewhere,

(b) money orders and postal orders,

(c) unobliterated postage stamps available for current use in Malta or elsewhere,

(d) treasury bills, bills of exchange, promissory notes, cheques, credit notes which entitle the holder to money or goods, and all orders and authorities for the payment of money, whether negotiable or not,

(e) bonds and coupons relating thereto, and other securities for money, whether negotiable or not, and

(f) coupons, vouchers, tokens, cards, stamps or similar documents, exchangeable (singly or with other such documents) for money, goods or services;

“parcel” means a postal article which is not an item of correspondence, the weight of which does not exceed twenty kilograms 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;

“postal arrangement” in relation to the transmission by post of postal articles between Malta and any other country, means any treaty, convention, agreement or undertaking for that purpose between Malta and such other country, or which applies to both such countries, or to one of them, or of which both such countries or one of them are a party;

“Poste Restante” means a service whereby a postal article is addressed to a specific post office in Malta to be called for by the addressee;

“prescribed” means prescribed by these regulations;

“private delivery box” means a box installed in a post office and in which postal articles, other than parcels, are placed to await collection by that box-holder or by his authorised agent;

“scheme” unless the context otherwise requires means a postal services scheme made in accordance with regulation 43 of these regulations.

Application.

3. These regulations, except as otherwise provided, apply to postal articles posted in Malta for delivery to any place in or outside Malta and to postal articles posted in any place outside Malta for delivery to any place in Malta.

Ownership of postal articles.

4. Save as otherwise provided in the Act or in these regulations, a postal article shall remain the property of the sender until it is delivered to the rightful owner, except when the said article has been seized in pursuance of the law of the country of destination.

Part II

Requisites for Postal Services

Prohibitions.

5. Without prejudice to article 47 of the Act, there shall not be posted, or tendered or made over in order to be transmitted by post, or delivered by post, any postal article:

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(a) containing any imitation of a currency note or of a bank note or any of the forged instruments referred to in articles 166, 167 and 168 of the Criminal Code; or

(b) containing any material of any kind whatsoever, the possession or transmission of which would constitute a criminal offence at law; or

(c) containing or bearing any fictitious stamp not being a fictitious stamp which is authorised under the Act, or any counterfeit impression of a stamping or franking machine or any counterfeit of any other impression authorised by these regulations for use to denote payment of postage or of any other fees; or

(d) having thereon, or on the cover thereof, any words, letters or marks which are used without due authority but which signify or imply, or may reasonably lead the recipient to believe, that the postal article is sent on Government Service; or

(e) such size, form or colour or so made up for transmission by post as to be likely to embarrass the officers of the postal operator in dealing with the postal article; or

(f) having anything written, printed or impressed upon or attached thereto which, either by tending to prevent the easy and quick reading of the address on the postal article or by inconvenient proximity to the stamp or stamps used in the payment of postage, or in any other way, is in itself, or in the manner in which it is written, printed, impressed or attached, likely to embarrass the officers of the postal operator in dealing with the postal article; or

(g) whereon the payment of postage or fees purports to be denoted by any stamp or impression which has been previously used to denote payment of the postage or fees on any other postal article; or

(h) containing any narcotic or psychotropic substance or any other drug or medicine unless its transmission by post is authorized by or under law; or

(i) containing any item the importation or circulation of which is prohibited in the country of destination or in any country through which the said postal article will be transmitted; or

(j) containing radioactive materials except where a postal arrangement exists for the transmission of such materials.

6. (1) Every postal article shall be made up and secured in such manner as is calculated to prevent damage to any other postal article, to any receptacle in which the same is conveyed, or injury to an officer of the postal operator or to any other person who may deal with such postal article. Packing and posting.

(2) When an outgoing postal article is posted or tendered or made over in order to be transmitted by post, the sender shall fill up such certificates and documents and affix such labels relating to the contents of the postal article as may be required by the law of the country to which it is addressed, or otherwise as the postal operator transmitting such postal article may direct.

(3) The address on a postal article shall not in any way be obscured or made difficult to read.

Irregular outgoing
or incoming postal
articles.

7. Save as otherwise provided under the Act, any postal article which, once posted, is found not to comply with the law of the country in which the postal article was posted or to which it is addressed or with the law of any country through which it may pass, or which is not accompanied by any document required by any such law as aforesaid, may be disposed of in such manner as the postal operator may deem appropriate in accordance with the applicable law:

Provided that the postal operator shall keep a register recording any postal articles that may be disposed of under this regulation and shall, when requested by the Authority, send a list to the Authority of any postal articles so disposed.

Part III

Universal Services

Universal Services.

8. Unless otherwise provided in these regulations, regulations 9 to 43 of these regulations shall apply only to the universal service provider in relation to those postal articles that conform to the maximum and minimum dimensions as specified in article 17(6) of the Act.

Facilities to buy
postage stamps.

9. The universal service provider shall ensure that, where feasible, there is available a facility to buy postage stamps in the vicinity of every post box.

Basic counter
services.

10. Save as the Authority may otherwise direct, the basic counter services to be provided by the universal service provider throughout Malta shall include:

- (a) sale of stamps and postal stationery;
- (b) posting and collection of bulk mail;
- (c) posting and collection of postal articles including parcels;
- (d) registration and insurance of postal articles; and
- (e) any other service as the Authority may from time to time by directive require the universal service provider to provide:

Provided that before doing so the Authority shall first consult the universal service provider.

11. The universal service provider shall ensure that sufficient Stock quantities. stocks of postage stamps and postage stationery are available in such quantities as to reasonably satisfy the needs of the locality:

Provided that the Authority may, in particular to ensure the availability of postage stamps and postage stationery in any given locality, issue any such directives it considers appropriate to ensure that the universal service provider abides with its obligations under this regulation.

12. Without prejudice to regulation 11 of these regulations, the Establishment of post offices. Authority may by directive require the universal service provider to establish post offices at such premises and from such dates as it may determine so as to ensure a basic counter service throughout Malta.

13. Without prejudice to the provisions of the Act, the universal Management of post offices. service provider shall determine the manner in which each of its post offices shall be managed.

14. Without prejudice to the provisions of articles 33 to 35 of the Delivery. Act, the universal service provider shall deliver a postal article including a parcel at the address indicated on the said postal article.

15. (1) All locally addressed postal articles may include a Postcodes. postcode written immediately after the town or village of the address:

Provided that locally addressed postal articles which do not include a postcode shall still be delivered.

(2) The universal service provider shall submit to the Authority updated lists of postcodes and shall publish them in a manner that ensures reasonable publicity including but not limited to affixation on the notice board of each of its post offices.

16. Where an incoming postal article bears an “express” delivery Express delivery. label or is conspicuously marked with the words “Express Delivery” or with such other words so as to indicate the intention of the sender that the postal article be delivered by express delivery, the universal service provider shall deliver the postal article as soon as possible and in any case not later than two working days from its arrival in Malta.

17. When the universal service provider is satisfied that a postal Postal articles addressed to a deceased person. article is addressed to a deceased person, it may, at its discretion, either:

(a) deliver or re-direct such postal article upon a request in writing by –

- (i) the executors named in the will of the addressee, or
- (ii) the surviving spouse of the addressee, or
- (iii) the heirs of the addressee, or
- (iv) the administrator of the estate of the addressee or any other person conducting the affairs of that estate, or
- (v) any other interested person; or

(b) retain such postal article for a period of six months and, if in the meantime no request in writing is made by any person entitled at law to receive it or who may otherwise properly receive it, then that postal article shall be deemed undeliverable and shall be dealt with as provided in these regulations.

Post articles in dispute.

18. When a member of a firm or partnership or of a dissolved firm or partnership, or a person who claims to be entitled to receive the mail of a firm or partnership or of a dissolved firm or partnership, or of a society, association, institution or any other body, satisfies the universal service provider that he has reasonable grounds for such claim and, gives notice to the universal service provider not to deliver to any person other than himself any postal article addressed to the firm or partnership or the society, association, institution or other body, the universal service provider, unless it is satisfied as to who is entitled to delivery, may refuse to deliver all such postal articles until an agreement is arrived at between the persons interested as to delivery, or until the right of one or other of the parties concerned to receive such postal articles has been determined by a competent authority:

Provided that in default of such agreement or in the absence of such a determination, the postal article shall be marked “In Dispute” and shall be returned to the sender within a reasonable time.

Undelivered postal articles.

19. A postal article -

- (a) which cannot for a valid reason be delivered to the addressee, or
- (b) which has been refused by the addressee, or
- (c) which has been duly delivered but is returned unopened to the universal service provider with an indication that the addressee has refused delivery, or

(d) which cannot be delivered by reason of any provision of the Act or of these regulations,

shall be treated as an undeliverable postal article and shall be dealt with as provided in these regulations.

20. (1) Notwithstanding paragraph (a) of regulation 19 of these regulations, where a parcel cannot for a valid reason be delivered to the addressee, it shall not be treated as an undeliverable postal article and the universal service provider shall notify in writing the addressee that he may, at his option, either:

Delivery of parcels.

(a) request the universal service provider to arrange for another delivery subject to the payment of a reasonable fee to the universal service provider:

Provided that in doing so the universal service provider shall endeavour to agree with the addressee as to a mutually convenient time of delivery; or

(b) collect the parcel from the post office indicated by the universal service provider:

Provided that, in indicating a post office, the universal service provider shall endeavour to indicate the most reasonably convenient post office for collection of the parcel by the addressee.

(2) If the parcel is not delivered or otherwise collected by the addressee within thirty working days from the date of posting of the initial notice referred to in subregulation (1) of this regulation, the addressee shall be notified again by registered post of the options stated under subregulation (1) of this regulation:

Provided that if, notwithstanding such notification by registered post, the addressee fails to withdraw the said parcel within sixty working days from the date of posting of the initial notice mentioned in subregulation (1) of this regulation, the parcel shall be treated as an undeliverable postal article and shall be dealt with as such in accordance with these regulations.

21. (1) This regulation applies to postal articles posted in Malta for delivery to any place in Malta.

Disposal of undeliverable postal articles for delivery in Malta.

(2) An undeliverable postal article which bears a legible return address on the outside shall be returned unopened and appropriately endorsed to that address.

(3) An undeliverable postal article that does not bear a legible return address on the outside shall be opened by the universal service provider and if the address of the sender can be ascertained, it shall then be returned to the sender under official cover:

Provided that if such postal article is found to contain paper money, coins or any other valuables, it shall be compulsorily registered at the expense of the sender before being so returned, and if the sender refuses to pay the postal charges due on that postal article the universal service provider shall dispose of it as it may think fit, without prejudice to its right to claim from the sender those postal charges:

Provided further that if, notwithstanding the opening of the postal article, the universal service provider is unable to establish the address of the sender and the universal service provider considers that the said postal article contains items of value or importance, then it shall record such items in the appropriate register and shall, unless claimed, keep such items for a period not exceeding one year from the day on which the postal article is so recorded and thereafter the universal service provider may dispose of such items in any manner as it may consider appropriate.

Disposal of undeliverable incoming or outgoing postal articles.

22. (1) This regulation applies to incoming and outgoing postal articles.

(2) An incoming postal article that is undeliverable shall be returned to the country of origin, with the reason for non-delivery clearly indicated on such postal article:

Provided that unregistered postcards without the particulars of the sender shall be disposed of in such manner as the universal service provider may, in the circumstances, deem appropriate:

Provided further that an unregistered postal article consisting in direct mail shall be disposed of in such manner as the universal service provider may deem appropriate, unless the sender has requested, by means of a note written on the outside of such article, the return thereof in case of non-delivery.

(3) A postal article posted in Malta for delivery at a place outside Malta which is returned to Malta as undeliverable, shall be dealt with as follows:

(a) an undeliverable postal article which bears a legible return address on the outside shall be returned unopened and appropriately endorsed to that address;

(b) an undeliverable postal article which does not bear a legible return address on the outside shall be opened by the universal service provider and if the address of the sender can be ascertained, it shall then be returned to the sender under official cover:

Provided that if such postal article is found to contain paper money, coins or any other valuables it shall be compulsorily registered at the expense of the sender before being so returned and if the sender refuses to pay the postal charges due on that postal article the universal service provider shall dispose of it as it may think fit, without prejudice to its right to claim from the sender those postal charges:

Provided further that if, notwithstanding the opening of the postal article, the universal service provider is unable to establish the address of the sender and the universal service provider considers that the said postal article contains items of value or importance, then it shall record such items in the appropriate register and shall unless claimed, keep such items for a period not exceeding one year from the day on which the postal article is so recorded and thereafter the universal service provider may dispose of such items in any manner as it may consider appropriate.

23. The postal services that the universal service provider is required to provide shall include the following:

Postal services to be provided by the universal service provider.

- (a) withdrawal of the postal article before delivery to the addressee,
- (b) Poste Restante,
- (c) re-direction,
- (d) certificate of posting,
- (e) certificate of loss or damage,
- (f) Business Reply Service,
- (g) registration of postal articles,
- (h) private delivery boxes, and
- (i) any other service as the Authority may from time to time by directive require the universal service provider to provide:

Provided that before doing so the Authority shall first consult the universal service provider.

Power of the Authority to regulate postal services.

24. Without prejudice to the provisions of the Act and these regulations, the universal service provider shall provide the postal services referred to in regulation 23 of these regulations and any other postal services that it may provide, at such hours of business, at such post offices, and under such conditions as the Authority may by directive from time to time reasonably require in the exercise of its functions at law:

Provided that before doing so the Authority shall first consult the universal service provider and any other stakeholders whom the Authority considers should be consulted.

Withdrawal from the post by sender.

25. (1) This regulation applies to postal articles posted in Malta for delivery to any place in Malta.

(2) Where a sender applies for the withdrawal of a postal article before delivery to the addressee, the universal service provider shall if it considers that the reasons for withdrawal are satisfactory, give the necessary direction.

(3) Any fees paid for the withdrawal of a postal article need not be refunded to the applicant if the postal article is not found or if subsequently it is not withdrawn by the said applicant.

(4) The postage and registration fee, if any, paid on a postal article which is withdrawn in accordance with this regulation shall not be refunded:

Provided that if the stamps affixed to any such postal article have not been cancelled by an official postmark at the time it is found, the postal article shall be returned with the stamps uncanceled.

Withdrawal from incoming and outgoing post.

26. (1) This regulation applies to incoming and outgoing postal articles.

(2) The sender of an outgoing postal article may have such postal article withdrawn from the post or have its address altered so long as the postal article has not been delivered to the addressee, or has not been confiscated or destroyed by the competent authorities of the countries through which the postal article has been transmitted or of the country of destination.

(3) Any fees and expenses shall not be refunded to the sender if the postal article is not found or if the postal article is subsequently not withdrawn.

(4) The postage and any registration fee paid on an outgoing postal article which is withdrawn shall not be refunded:

Provided that if the stamps affixed to any such postal article have not been cancelled by an official post-mark at the time the postal article is found, the said postal article shall be returned to the sender with the stamps uncanceled.

27. (1) The following shall have the right to make use of a Poste Restante Service which shall be provided by the universal service provider:

- (a) travellers, tourists and foreigners of no fixed abode;
- (b) persons who reside within an area which is not accessible for delivery by postman; and
- (c) persons who in the opinion of the universal service provider cannot for a good and sufficient reason conveniently receive their correspondence by postman or through a private delivery box.

(2) The universal service provider shall require the caller of Poste Restante to furnish proof of his identity and to provide any other particulars that may be reasonably required to identify him as the rightful addressee of the postal article.

28. (1) Any postal article, other than a business reply article, may be redirected from its original address in Malta to the same addressee at any other address either by an officer of the universal service provider or after delivery at the original address.

(2) An application to the universal service provider for redirection shall be signed -

- (a) by the person or persons to whom the incoming postal articles are addressed; or
- (b) by the person having the legal representation of the company, firm or body corporate or unincorporate in respect of incoming postal articles addressed to such company, firm or body; or

(c) by the person having parental authority over, or legal custody of, minor children in respect of incoming postal articles addressed to such minor children; or

(d) by a person duly authorised by another person in respect of incoming postal articles addressed to such other person.

(3) A postal article which is re-directed on the working day of its delivery, or on the working day next following, to its original address shall be transmitted by post free of any charge or postage in respect of such transmission if it is either handed to an officer of the universal service provider or dropped in a letter-box of the universal service provider with an indication of the new address:

Provided that the provisions of this subregulation shall not apply if before re-direction the postal article has been opened or tampered with (other than by the substitution of a new address) or if the name or address of the original addressee has been rendered illegible:

Provided further that if the postal article is re-directed to a place outside Malta and the amount of postage paid is insufficient to cover transmission to the new destination, it shall be taxed and treated as an insufficiently pre-paid postal article.

Certificate of posting.

29. The universal service provider shall issue a certificate of posting indicating that an unregistered postal article has been posted to a particular address when so requested by the person posting the article.

Certification of damage etc.

30. The universal service provider shall, if requested by an interested person, issue a certificate whereby it is established that the postal article has been damaged, lost or destroyed while in its custody.

Business Reply Service.

31. The universal service provider shall provide a business reply service whereby payment of postage payable on postal articles is made by a person other than the sender of those postal articles.

Registration.

32. The universal service provider shall provide a registration service whereby every postal article may be registered.

Receipt for registered postal articles.

33. On the delivery of a registered postal article, the addressee, his representative, or a member of his household shall, unless instructions to the contrary are given to the universal service provider by the addressee, give a written receipt therefor to the universal service provider:

Provided that when such a receipt is not obtained, the postal article shall be considered as undelivered:

Provided further that this regulation shall be without prejudice to any other law regulating receipts for registered postal articles.

34. The sender of a registered postal article may at the time of posting arrange for the advice of its delivery to be sent to him: Advice of delivery.

Provided that no enquiry fee may be charged by the universal service provider if the enquiry regarding the disposal of such postal article is made within twelve months from the date of posting.

35. When a registered postal article has been delivered and a receipt obtained in accordance with the provisions of regulation 33 of these regulations, it shall not be re-directed as provided for in regulation 28(3) of these regulations: Re-direction of registered postal articles.

Provided that the universal service provider may, in exceptional circumstances, re-direct the said registered postal article if it is handed to any officer of the universal service provider not later than the working day next following delivery.

36. If any registered postal article is, after delivery, dropped into a letter-box of the universal service provider for re-direction such article may become liable to a surcharge of a single rate of postage and to a fresh registration fee. Posting out of course.

37. (1) If any postal article having written or impressed on it or on its envelope or cover the word “registered”, or any other word, phrase or mark conveying the impression that the postal article is registered or is intended to be registered, is found in the post or is left at a post office, it shall then be registered. Compulsory registration.

(2) A postal article shall be registered if it contains one or more of the following:

(a) any uncrossed money order or postal order in which the name of the payee has not been inserted, or

(b) any cheque or dividend warrant which is uncrossed and payable to bearer, or

(c) any bearer security, or

(d) any bank note, currency note or coin being current in Malta or elsewhere, or

(e) any unobliterated postage stamps of a total value of five Maltese Liri or over, or

(f) any paper money as is mentioned in paragraphs (d), (e) and (f) of the definition of “paper money” in regulation 2 of these regulations, or

(g) platinum, gold or silver, whether or not manufactured, precious stones and other valuable articles.

Surcharge.

38. (1) Any postal article which is subject to compulsory registration may be charged the registration fee and an amount not exceeding double the deficient postage, if any, and shall be forwarded to the addressee or returned to the sender, as the case may be:

Provided that any amount of postage which may have been pre-paid in respect of any postal article in excess of the ordinary postage, shall be reckoned as payment or part-payment of the registration fee.

(2) When a postal article surcharged in accordance with sub-regulation (1) of this regulation, is tendered to the addressee or sender and he refuses or fails to pay the charges to which the postal article has become liable, the postal article may be dealt with or disposed of in such a manner as the universal service provider may think fit.

Application for private delivery box.

39. Any person who has attained the age of eighteen years shall be entitled to the lease of a private delivery box by the universal service provider upon application:

Provided that the universal service provider may refuse to award the lease of such a delivery box where a reasonable problem of lack of space arises and upon giving reasons for its refusal.

Keys to private delivery boxes.

40. The universal service provider shall make available, free of charge, one key to the box-holder. Before providing a key, the universal service provider may require a box-holder to deposit a reasonable sum which sum shall be refunded to the box-holder on the termination of the lease and upon the surrender of the key and the payment of any outstanding rent.

Delivery of postal article.

41. A postal article shall be deemed to have been delivered to the box-holder as soon as it is placed in his private delivery box.

42. (1) Without prejudice to any other obligation under the Act or under any other law, or under any directive or under any authorisation, the universal service provider shall, at least once every calendar year, submit to the Authority the following information:

Information to be provided.

(a) the location of all access points including each of its post offices and letter boxes,

(b) the times of opening and closing of each of its post offices and times of collection and delivery,

(c) a contingency plan setting out the measures to be taken by the universal service provider to ensure, as far as practicable, the provision of universal postal service in the event of industrial action, emergency or natural disaster, and

(d) about the arrangements it has established or intends to establish to ensure that its post offices, including its letter boxes, are accessible to persons with disabilities.

(2) The universal service provider shall publish the information referred to in sub-regulation (1) of this regulation in such manner as to ensure reasonable publicity thereof.

(3) Without prejudice to the provisions of sub-regulation (1) of this regulation the universal service provider shall provide any such information as the Authority may reasonably require for the purpose of performing its functions at law.

43. (1) Without prejudice to any other obligation under the Act, any other law, any directive or any authorisation, the universal service provider may make schemes in relation to the postal services provided by it:

Schemes as to terms and conditions.

Provided that the Authority may by directive:

(i) require the universal service provider to have in place such schemes as the Authority may consider necessary. In doing so the Authority may also establish the time frames by when such schemes must be in place, and

(ii) require the universal service provider to amend any existing scheme that may have been adopted in accordance with this regulation where the said scheme is in conflict with the Act or with licence or authorisation conditions:

Provided further that the Authority shall, before requiring the universal service provider to adopt or amend a scheme, consult with the universal service provider and any other stakeholders whom the Authority considers to have an interest.

(2) A scheme made in accordance with this regulation is a scheme for determining any or all of the following:

(a) the charges which are to be imposed in respect of the postal services concerned,

(b) the other terms and conditions which are to be applicable to the postal services concerned, and

(c) the procedures for dealing with the complaints of persons who use the postal services concerned, including the compensation that may be awarded accordingly.

(3) A scheme or any amendments to a scheme under this regulation shall be forwarded to the Authority which shall ensure that the universal service provider at its expense gives such publicity to the scheme or any amendments thereto as the Authority may consider appropriate.

(4) A scheme under this regulation may amend any previous scheme made under this regulation.

(5) Any obligations undertaken by the universal service provider under any scheme made in accordance with this regulation shall bind the universal service provider as if such obligations form part of the terms and conditions of a contract at law, and may be enforced against the universal service provider accordingly.

Part IV

Authorisations

Authorisation for
Postal Services and
Exemptions.

44. (1) In accordance with the provisions of article 7(3) of the Act, the following activities are exempt from the requirements of article 7(1) of the Act:

(a) the conveyance and delivery of a postal article personally by the sender or a person authorised to deliver on behalf of the sender, provided no payment or reward, profit or advantage of any kind is given or received for the conveyance or delivery of those postal articles;

(b) the conveyance and delivery by any person of postal articles concerning, and for delivery with, goods carried by that person, provided that no payment or reward, profit or advantage of any kind is given or received for the conveyance or delivery of those postal articles;

(c) the conveyance, delivery and collection of correspondence by a person who has a business interest in that correspondence. For the purposes of this paragraph a person shall be deemed to have a business interest if:

(i) he is an employee of one of the correspondents or of a member of the same group as one of the correspondents and the postal article relates to the business affairs of that correspondent, or

(ii) he and one of the correspondents are employees of the same person or of different members of the same group and the postal article relates to the business affairs of that person or, as the case may be, of the employer of that correspondent;

(d) the conveyance and delivery of postal articles from one public authority or agency however so described to another or within that same authority or agency, and the collection of postal articles for that purpose;

(e) the conveyance and delivery of postal articles by a non-profit making organisation where the postal article is addressed to some or all of the members of that organisation, provided no payment or reward, profit or advantage of any kind is given or received for the conveyance or delivery of those postal articles.

(2) Nothing in this regulation shall be construed as authorising any person to make a collection of postal articles for the purpose of their being conveyed in any manner authorised under this regulation.

45. (1) The authorisation by virtue of which the universal service provider may provide reserved services and other services within the scope of the universal services in accordance with the Act, shall be granted by individual licence.

Licensing of
universal service
provider.

(2) The grant of a licence under subregulation (1) of this regulation shall be deemed to authorise the universal service provider to provide also postal services outside the scope of the universal services:

Provided that the universal service provider shall also comply with the conditions attached to the general authorisation.

(3) During the currency of the individual licence, the universal service provider shall pay to the Authority the annual fee specified in the Schedule to these regulations.

Licensing of services which are not reserved but within the scope of universal services

46. (1) The authorisation to provide postal services which are not reserved but which fall within the scope of the universal services, shall be granted by individual licence.

(2) Without prejudice to the weight and price limits in respect to the reserved area, the provision of express mail shall not be deemed to fall within the scope of the universal service.

(3) During the currency of an individual licence issued in accordance with this regulation, the licensee shall pay to the Authority the annual fee specified in the Schedule to these regulations.

Authorisation to provide services outside the scope of the universal service.

47. (1) The authorisation to provide non-reserved postal services that are outside the scope of the universal service, shall be granted in accordance with a general authorisation.

(2) The Authority shall by directive determine and publish the conditions attached to a general authorisation.

(3) Any conditions attached to a general authorisation shall be objectively justified, non-discriminatory, proportionate and transparent.

(4) A postal operator shall comply with the conditions attached to the general authorisation.

(5) Authorised postal operators shall pay to the Authority such annual fees as established in the Schedule to these regulations:

Provided that these fees shall not be paid if the operator in question is the universal service provider and has paid the annual fee referred to in regulation 45 of these regulations, or if the operator in question is licensed and has paid the annual fee referred to in regulation 46 (3) of these regulations.

Notification.

48. (1) Any person who intends to provide non-reserved services outside the scope of the universal service shall, before doing so, notify the Authority of his intention to provide such services.

(2) The notification under subregulation (1) of this regulation shall be in such form as the Authority may from time to time determine and shall include the following:

(a) the full name, business address and contact details of the person concerned including, in the case of a body corporate -

(i) the company registration number and,

(ii) where the business address differs from the address of its registered office, the address of the registered office,

(b) a clear description of the postal services to be provided,

(c) the estimated date of commencement for the relevant activity,

(d) the geographical area intended to be covered by the service in question, and

(e) a signed declaration of compliance with the relevant conditions as prescribed under the Act and by these regulations.

(3) Upon receipt by the Authority of a notification pursuant to subregulation (2) of this regulation, the person concerned is deemed to be authorised to provide the postal service described in the notification.

(4) A person who is duly authorised in accordance with regulation 47 of these regulations, shall notify the Authority of any changes to the information supplied under paragraph (a) of subregulation (2) of this regulation, within fourteen days of such change and in relation to the matters referred to in paragraphs (b) to (d) of subregulation (2) of this regulation, within fourteen days prior to the commencement of the relevant activity.

49. The Authority shall, within seven working days of the receipt by it of a notification made to it in accordance with regulation 48 of these regulations, issue to the postal operator making such a notification, in such form as the Authority may, from time to time, determine, a declaration confirming, where applicable, that such postal operator submitted a notification pursuant to regulation 48 of these regulations.

Declaration upon receipt of notification.

50. (1) The Authority shall establish and maintain a register of those persons that have submitted a notification pursuant to regulation 48 of these regulations and any information as the Authority considers appropriate, other than information which the Authority reasonably

Register of postal operators.

considers to be confidential, shall be entered in the Register established and maintained under this subregulation.

(2) The Authority may, as necessary, amend or delete an entry in the Register.

(3) Members of the public may inspect the Register free of charge at such reasonable times as the Authority may establish and may, at a reasonable charge to be determined by the Authority, make copies of, or take extracts from, entries in the Register.

Part V

Tariffs

Non-valid postage stamps.

51. There shall not be used to denote payment of postage or fees, any mutilated postage stamps or any postage-due stamps, nor shall such stamps be accepted as valid for the pre-payment or part pre-payment of postage.

Stamps to be sold at face value.

52. Unless otherwise provided for under the Act or these regulations, postage stamps shall only be sold at their face value.

Unpaid or underpaid postage for inland post.

53. (1) This regulation applies to postal articles posted in Malta for delivery to any place in Malta.

(2) A postal article posted without the postage being pre-paid or when insufficiently pre-paid, may be charged up to double the deficient postage and shall be delivered to the addressee who shall be liable to pay the said charge upon acceptance of the postal article:

Provided that if in such case the postal article is refused by the addressee or delivery of the postal article cannot be effected, the postal article shall be returned to the sender who shall be liable to pay the aforementioned charge.

Unpaid or underpaid postage for incoming and outgoing postal articles

54. (1) This regulation applies to incoming and outgoing postal articles.

(2) All outgoing postal articles, other than registered postal articles, upon which no part, or a part only, of the postage payable thereon has been pre-paid, shall be dealt with as follows:

(a) where the address of the sender is shown on the outer cover, the postal article shall be returned to sender appropriately endorsed for the payment of the deficient postage,

(b) where an outgoing postal article cannot be returned to the sender for the full payment of postage, it may be charged with up to double the amount of the deficient postage and shall be delivered to the addressee who shall be liable to pay the said charge upon acceptance of the postal article.

(3) An incoming postal article, including a registered postal article, upon which no part, or a part only, of the postage payable thereon has been paid, shall be delivered to the addressee and charged with such amount as the foreign postal operator concerned shall have requested to be collected.

(4) Any amount charged under subregulation (2)(a) and under subregulation (3) of this regulation shall be paid by the sender or the addressee, as the case may be, and the universal service provider may withhold transmission or delivery until such amount is paid.

55. (1) There shall be no exemption of payment of postage unless this is expressly provided for under the Act, these regulations or any other law: Exemption from postage payment.

Provided that the Authority after public consultation may, by directive, determine that no payment of postage shall be due in those instances as it may specify.

(2) The sender of a postal article which is entitled to free transmission by post shall not be exempt from paying the prescribed registration fee and other postal fees due on such postal article.

56. (1) No postage shall be payable on postal articles consisting of articles for the use of the blind provided that – Articles for the blind.

(a) the postal articles are sent by or addressed to a blind person or an institution or organization that is recognized by the Authority as an institution or organization which serves the blind,

(b) every postal article is marked on the outside “Articles for the Blind” and bears the name and address of the sender,

(c) every postal article is posted either without a cover or in a cover which can be easily removed for the purpose of examination,

(d) the postal article does not contain any article not being an article for the use of the blind,

(e) the postal article contains no communication or inscription either in writing or printed other than instructions for the use of any enclosed article, and

(f) the postal article complies with the limits of size and weight referred to in regulation 8 of these regulations.

(2) For the purposes of this regulation a postal article shall also include a parcel containing solely articles for the use of the blind.

Part VI

Money and Postal Orders

Money Orders.

57. (1) The universal service provider may remit any amount of money to any person in Malta by means of a money order, including a postal order.

(2) The universal service provider may remit any amount of money to any person in any country with which a money order exchange arrangement exists by means of a money order ,including a postal order.

(3) The amount of money to be remitted and the commission chargeable thereon shall be paid at a post office at the time of issuing the money order.

(4) When a money order is issued, it shall be handed to the remitter to be transmitted by him to the payee.

Maximum and
minimum amounts.

58. The minimum and maximum amounts for which a single money order may be issued shall respectively be of one lira and one thousand liri, but the remitter may apply for more than one money order at the same time:

Provided that nothing contained in this regulation shall be construed as affecting or derogating from any limitation, restriction, requirement or permission required or imposed by any law in respect of any payment to the credit of persons residing in or outside Malta

59. (1) Unless the universal service provider agrees otherwise, ^{Payment.} a money order shall not be payable on the same day of issue.

(2) Money orders shall be encashed at the post office indicated thereon or through a bank.

(3) If a money order is presented for payment at a post office, payment will be made to the payee against his signature on proof of his identity.

(4) Crossed money orders shall only be payable through a bank.

(5) When money orders are presented for payment by the Bank, the formalities referred to in this regulation shall not be applicable.

60. A money order shall be valid for a period of sixty days from ^{Period of validity.} the date when it is issued.

61. The amount of a money order may be refunded to the remitter ^{Repayment.} against presentation of the order within the period of its validity

62. Money orders whose validity has lapsed and which have ^{Void money order.} not been revalidated, shall be refunded to the remitter.

Part VII

Compliance and Sanctions

63. (1) The Authority shall ensure compliance with the ^{Compliance.} provisions of these regulations and may, for this purpose and for the carrying into effect of any provisions of these regulations, issue any directives it may consider to be necessary in this regard.

(2) A person shall in all instances comply with a directive or decision, however so described, of the Authority issued under these regulations notwithstanding any dispute, appeal or any other legal proceedings contemplated or commenced in relation to the said directive or decision.

(3) A person who fails to comply with any directive or decision issued by the Authority under these regulations shall be considered to have acted in breach of these regulations.

Sanctions.
Cap.418.

64. Unless otherwise prescribed in these regulations, 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 these regulations:

Provided that any administrative fines that the Authority may decide to impose for an infringement of any provision of these regulations shall in no case exceed the sum of five thousand liri for each infringement and, or two hundred liri for each day during which any such non-compliance continues.

Part VIII

Miscellaneous

Exceptions to
clearance and
delivery obligations.

65. Any exception or derogation granted by the Authority in accordance with article 17(4)(a) of the Act shall be communicated to the European Commission and to all other national regulatory authorities.

Mail integrity.

66. The Authority may issue directives to a postal operator providing postal services which fall within the scope of the universal services to ensure the protection of the integrity of mail:

Provided that before issuing any such directives the Authority may consult with such interested parties as it deems appropriate in the circumstances.

Access.

67. (1) Postal operators shall have a right and, when requested by other postal operators, an obligation to negotiate access with each other for the purpose of providing postal services.

(2) The Authority may issue directives to the universal service provider requiring it to meet reasonable requests for access to, and use of, specific elements of the public postal network in situations where the Authority considers that denial of access, or unreasonable terms and conditions having a similar effect would hinder the emergence of a sustainable competitive market or would not be in the interest of the end-user.

(3) Postal operators which acquire information from another postal operator before, during or after the process of negotiating access arrangements shall use that information solely for the purpose for which it was supplied, and shall respect at all times the confidentiality

of information transmitted or stored. The received information shall not be passed on to any other party including any subsidiaries or partners, for whom such information could provide a competitive advantage.

68. Nothing in these regulations shall exempt any person from the obligation to diligently obtain at his own expense any permit, licence or other approval or authorisation however so described, necessary to operate and maintain the postal services or any part thereof to which these regulations apply, or from the obligation of complying with any condition of any such permit, licence or other approval or authorisation.

No exemption from the need to obtain any other permit etc.

69. (1) The laws listed in this regulation shall be repealed, namely:

Repeal of
G.N. 215 of 1924
G.N. 216 of 1924
G.N. 97 of 1925
G.N., 155 of 1946
G.N. 389 of 1948
L.N. 40 of 1959
L.N. 35 of 1985
L.N. 65 of 1989
L.N. 214 of 1998

(i) Rules regarding Sale and Use of Stamps,

(ii) Regulations for the Disposal of Undelivered Correspondence,

(iii) Introduction of Postage Due Stamps Order,

(iv) Exemption from Postage Regulations,

(v) Maximum Weight for Printed Paper, Packets and Individual Volumes posted locally Order,

(vi) Customs Department (Parcel Post Branch) Hours of Service Regulations,

(vii) Inland Post Regulations,

(xiii) Overseas Post Regulations,

(ix) Suspension of Monopoly of Post Office Order.

(2) The repeal of the laws listed in subregulation (1) of this regulation shall be without prejudice to the validity of anything done or still to be done under any of the said laws, and the said regulations shall be deemed to be still in force only for such purpose.

Schedule

(Regulations 45, 46 and 47)

Fees to be paid on an annual basis

	Fees
a) Fees to be paid by the universal service provider licensed in terms of regulation 45 in respect of any postal service provided by the universal service provider both within and outside the scope of the universal services:	
Up to the 31st May 2003	Lm200,000
From 1st June 2003 to 30th April 2004...	Lm100,000
	together with one half per cent of the total gross revenue from postal services within the scope of the universal services
From 1 May 2004 to 31 December 2005 ...	Lm75,000
	together with one half per cent of the total gross revenue from postal services within the scope of the universal services, and
From 1 January 2006	Lm25,000
	together with three fourths per cent of the total gross revenue from postal services within the scope of the universal services;
b) Fees to be paid by operators licensed in terms of regulation 46 in respect of services which are not reserved but which are both within and outside the scope of the universal services:.....	Lm400
	together with one percent of the total gross revenue from postal services within the scope of the universal services;
c) Fees to be paid by operators authorised in terms of regulation 47 in respect of services which are outside the scope of the universal services:.....	Lm400