

## CHAPTER 107

### THE UGANDA POSTS AND TELECOMMUNICATIONS CORPORATION ACT.

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## CHAPTER 107

### THE UGANDA POSTS AND TELECOMMUNICATIONS CORPORATION ACT.

*Commencement:* 1 December, 1984.

#### **An Act to establish a Uganda Posts and Telecommunications Corporation and for other purposes connected therewith.**

#### PART I—INTERPRETATION.

#### **1. Interpretation.**

- (1) In this Act, unless the context otherwise requires—
  - (a) “addressee” means the person to whom any postal article or telegram is addressed;
  - (b) “authorised”, in relation to an officer or employee of the corporation, means an officer or employee authorised by the managing director to exercise the powers or perform the duties in respect of which the expression is used;
  - (c) “franking machine” means a machine for the purpose of making impressions on postal articles to denote prepayment of postage and includes any metre or metres and any franking or date-stamping die or dies incidental thereto;
  - (d) “local authority” means any city council, municipal council, township authority, district council or committee or other similar authority, established for the purpose of controlling or managing any city, municipality, town or local area;
  - (e) “mail bag” means any bag, box, basket, parcel or other envelope or covering in which postal articles are conveyed, whether it does or does not contain any such articles;
  - (f) “mail vessel” means any vessel in relation to which there exists any agreement for the conveyance of mail;
  - (g) “master” used in relation to a vessel or aircraft means any person in charge of the vessel or aircraft;
  - (h) “Minister” means the Minister responsible for this Act;
  - (i) “money orders” includes postal orders;
  - (j) “money order services” means the services performed and facilities provided in connection with the remission, in accordance with regulations made under this Act, of sums of

money from one place to another place through the corporation by means of money orders; (k) “postage” means the amount chargeable for the transmission by post of postal articles; (l) “postage stamp” means any label, stamp or device currently valid for denoting any rate of postage payable in respect of postal articles issued under this Act or by the postal administration of any foreign country; (m) “postal article” includes any letter, postcard, newspaper, book, document, pamphlet, pattern, sample packet, small packet, parcel, package or other article whatsoever in the course of transmission by post; (n) “post frank” means any instrument for making any impression, and any such impression, denoting that a postal article may be transmitted through the post without prepayment or postage;

(o) “post office” includes every house, building, room, receptacle, vessel, vehicle or place used for the purposes of the corporation;

(p) “post office guide” means the document published by the corporation containing any matter required under this Act to be published in it; (q) “post office letter box” means any receptacle provided by the authority of the managing director for the reception of postal articles; (r) “post services” means the services performed and facilities provided in connection with—

(i) the collection, transmission and delivery by water or by air from one place, whether within or outside Uganda, to another place, of postal articles;

(ii) the issue of postage stamps and the use of franking machines;

(iii) the issue and payment of money orders for the remission of money through the corporation; (s) “private bag” means a bag provided exclusively for the reception of postal articles intended for the user of that bag; (t) “private box” means a receptacle at a post office provided exclusively for the reception of postal articles intended for the user of that box; (u) “public broadcasting” means transmission by an authorised broadcasting station of music, speech and entertainment in sound alone, or sound and vision, intended primarily for reception by the general public;

(v) “the purposes of the corporation” means any purposes necessary or desirable for the performance of the services, or the provision of the facilities, which the corporation is authorised or required to perform or provide under this Act; (w) “radio communication” means the emitting or receiving over paths which are not provided by any material substance constructed or arranged for that purpose, of electromagnetic energy of a frequency not exceeding three million megahertz being energy which either—

(i) serves for the conveying of messages, sound or visual images (whether the messages, sound or visual images are actually received by any person or not) or for the actuation or control of machinery or apparatus; or (ii) is used in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or motion of any object or objects of any class; (x) “radio communication apparatus” or “radio communication station” means any apparatus or station, as the case may be, for emitting or receiving of radio communication and where— (i) any radio communication apparatus or station cannot lawfully be used without a radio communication licence or could not lawfully be used without that licence but for regulations made under section 48; (ii) any radio communication in the form of messages, sound or visual images is received by that apparatus or station; and (iii) any apparatus is electrically coupled with that apparatus or station for the purpose of enabling any person to receive any such messages, sound or visual images, the apparatus so coupled shall itself be deemed for the purposes of this Act to be radio communication apparatus; (y) “radio communication licence” means any licence granted under section 46; (z) “radio communication services” means the services performed and the facilities provided in connection with the transmission of communications by means of radio communication apparatus; (aa) “telecommunications services” means the radio communication services, the telegraph services and the telephone services; (bb) “telegraph apparatus” means any apparatus, equipment or other thing used or intended to be used in connection with the transmission of communications or visual images by means of

electric signals from one place to another place either along a wire joining those two places, or partly by wire and partly by radio communication or wholly by radio communication; but any such apparatus, equipment or other thing used, or intended to be used, solely for the transmission of signals by lights, bells or buzzers from one part of a building to another part of the same building shall not be deemed to be telegraph apparatus for the purposes of this Act;

- (cc) “telegram” means any communication or visual image delivered to the corporation or to the holder of a telegraph licence, intended for transmission by telegraph apparatus, any such communication or visual image in the course of transmission; and any such communication or visual image delivered by the corporation or such holder to the addressee or to any person for the addressee;
- (dd) “telegraph licence” means any licence granted by the Minister under section 39;
- (ee) “telegraph line” means any wire or tube used for the purposes of the telegraph services and any apparatus connected therewith;
- (ff) “telegraph pole” means any pole, post, tree or other thing used for the purpose of supporting any telegraph line;
- (gg) “telegraph services” means the services performed and facilities provided in connections with the transmission of communications by means of telegraph apparatus;
- (hh) “telephone” means an instrument used or intended to be used by any person transmitting or receiving any communication by means of the telephone services;
- (ii) “telephone apparatus” means any apparatus, equipment or other thing used or intended to be used in connection with the transmission of spoken communications by means of electricity from one place to another place either along a wire joining those two places or partly by wire from each of those two places and partly by radio communication;
- (jj) “telephone licence” means any licence granted by the Minister under section 34;
- (kk) “telephone line” means any wire used for the purposes of the telephone services and any apparatus connected therewith;
- (ll) “telephone pole” means any pole, post, tree or other thing used for the purposes of supporting the telephone line;
- (mm) “telephone services” means the services performed and facilities provided in connection with the transmission of spoken communications by means of telephone apparatus.

- (2) For the purposes of this Act—
- (a) a postal article shall be deemed to be in the course of transmission by post from the time of its being posted at, or delivered to, the 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 this Act;
  - (b) the placing of an article in any post office letter box, or the delivery of any article to an employee of the corporation or to a person employed in connection with the postal services in the course of his or her duties, 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 or her 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 or the inclusion of a postal article in the addressee's private box or private bag or where the addressee is a guest or is resident at a hotel, the delivery of a postal article to the proprietor or manager of the hotel or to his or her agent) shall be deemed to be delivery to the addressee.
- (3) For the purposes of this Act—
- (a) any reference to the emission of electromagnetic energy or to emission shall be construed as including a reference to the deliberate reflection of electromagnetic energy by means of any apparatus designed or specially adapted for that purpose whether the reflection is continuous or intermittent;
  - (b) interference, in relation to radio communication, means the prejudicing by any omission or reflection of electromagnetic energy of the fulfillment of the purposes of radio communication either generally or in part and, without prejudice to the generality of the foregoing, as respects all, or as respects any, of the recipients or intended recipients of any message, sound or visual image intended to be conveyed by the radio communication;
  - (c) in considering whether in any particular case any interference with any radio communication caused or likely to be caused by the use of any apparatus is or is not undue interference, regard shall be had to all the known circumstances of the case and the interference shall not be regarded as undue interference if so regarded it would unreasonably cause hardship to the person

using or desiring to use the apparatus.

PART II—ESTABLISHMENT, OBJECTS AND MANAGEMENT OF THE  
CORPORATION.

**2. Establishment of the corporation.**

(1) There is established a corporation to be known as the Uganda Posts and Telecommunications Corporation.

(2) The corporation shall have perpetual succession and a common seal and may sue or be sued in its corporate name.

(3) The corporation may, for and in connection with its functions under this Act, purchase, acquire, hold, manage and dispose of any movable or immovable property and may enter into such contracts and other transactions as may be expedient.

**3. Objects of the corporation.**

(1) The objects of the corporation shall be to provide postal and telecommunications services within and outside Uganda and to regulate and control radio communications operated from or received in Uganda.

(2) The corporation shall conduct its business on commercial principles and shall perform its functions in such manner as to secure that, taking one year with another, its income is not less than sufficient to meet its expenditure which is properly chargeable to revenue account and as to further ensure that its net operating income is not less than sufficient to secure an annual return on the value of the net fixed assets in operation by the corporation of such percentage as the Minister may from time to time direct.

**4. Board of directors.**

(1) The corporation shall have a board of directors consisting of a chairperson, the managing director and not less than six nor more than eight other members.

(2) The chairperson and the other members of the board other than the managing director shall be appointed by the Minister for a period of three

years and upon such terms and conditions as may be specified in the instruments of appointment and shall be eligible for reappointment.

- (3) No person shall be appointed a member of the board who—
  - (a) is not a person of experience in financial affairs, business, administration or professional occupation;
  - (b) is an insolvent or bankrupt person; or
  - (c) has been convicted of an offence involving fraud or dishonesty.

(4) Any member of the board may resign his or her office by writing under his or her hand addressed to the Minister, or may be removed from office by the Minister for inability to perform the functions of his or her office or for any other sufficient reason.

## **5. Duties of the board.**

- (1) It shall be the duty of the board to ensure—
  - (a) the fullest development consistent with economy of the undertaking of the corporation;
  - (b) that the undertaking of the corporation is operated efficiently, economically and with due regard to safety;
  - (c) that the financial administration of the corporation is conducted in accordance with this Act;
  - (d) that the corporation provides all reasonable facilities for the transmission of postal articles by means of special services, for the remission of money by means of money order services and for communication by means of the telephone and telegraph services;
  - (e) that no particular person is given undue preference or subjected to undue disadvantage.
- (2) Notwithstanding subsection (1)(e), the board may—
  - (a) afford priority to the Government in the transmission of communications;
  - (b) afford priority to any category of persons in the installations of telephone apparatus where, in the opinion of the board, the circumstances do not permit the installation of telephone apparatus in the case of all persons making application for telephone apparatus.

## **6. Powers of the board.**

(1) The board shall be the governing body of the corporation and, without prejudice to the generality of the foregoing, may, subject to the approval of the Minister—

- (a) determine the tariffs of the postal, telephone and telegraph services that are provided by the corporation;
- (b) determine the salaries, wages or other terms and conditions of service of employees of the corporation; and
- (c) determine the organisation or establishment of the corporation.

(2) The Minister shall be responsible for the general directions and control of the corporation and may in that behalf give directions of a general nature to the board.

## **7. Meetings of the board.**

(1) The board shall meet for the discharge of its functions under this Act at least once every two months at such time and place as the chairperson may appoint or upon the request to the chairperson of a majority of the members of the board.

(2) The chairperson shall preside at all meetings of the board and in his or her absence, such member of the board as the members present shall appoint, shall preside.

(3) Questions proposed at a meeting of the board shall be determined by a simple majority of the members of the board present and voting; and in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(4) A member of the board who has any personal interest in any transaction or matter before the board shall disclose the nature of his or her interest to the board and shall be disqualified from taking part in the deliberations of the board with respect to that transaction or matter.

(5) The board shall cause to be recorded and kept minutes of the proceedings of every meeting of the board; and the minutes shall be confirmed at the next meeting; and when the minutes are confirmed, they shall be signed by the chairperson in the presence of the members of the board.

(6) Half of the members shall form a quorum.

(7) Subject to subsections (1) to (6), the board may regulate its own procedure.

#### **8. Remuneration of members.**

The chairperson and the other members of the board may be paid such remuneration or allowances as the Minister may approve.

#### **9. Seal of the corporation.**

(1) The seal of the corporation shall be authenticated by the signature of the chairperson or any other two members of the board authorised by resolution of the board either generally or specially to act in that behalf.

(2) The signature of the chairperson or other members of the board shall be independent of the signing by any other person as witness.

(3) A certificate signed by the chairperson of the board that an instrument purporting to be made or issued by or on behalf of the corporation was so made or issued shall be conclusive evidence of that fact.

(4) Every document purporting to be an instrument made or issued by or on behalf of the corporation and to be sealed by the corporation authenticated in the manner provided by subsection (1) or to be signed or executed by the chairperson or any other person authorised by the board to act in that behalf shall be received in evidence and be deemed without further proof to be so made or issued or to be such certificate, unless the contrary is shown.

#### **10. Custody of the seal.**

The seal of the corporation shall be kept in custody of the secretary to the board and shall not be used or affixed to any instrument except in pursuance of a resolution duly adopted by the board and in the presence of at least two members of the board who shall sign the instrument to which the seal of the corporation is affixed in their presence.

PART III—FUNCTIONS AND POWERS OF THE CORPORATION.

**11. Functions of the corporation.**

The functions of the corporation shall be—

- (a) to establish and operate postal services and to convey from one place to another, whether by land, by water or by air, all postal articles and to perform all the incidental services of receiving, collecting, sending, dispatching and delivering all postal articles;
- (b) to establish and operate money order services and remit from one place to another money by means of money orders and to perform all the incidental services of issuing, receiving and paying all money orders;
- (c) to establish and operate telephone services and to perform all the incidental services of providing, installing and maintaining the necessary telephone apparatus, receiving and booking calls and connecting one telephone with any other telephone;
- (d) to establish and operate telegraph services and to transmit from one place to another, by means of the telegraph services, all communications which the sender desires to send by telegrams and to perform all the incidental services of receiving, collecting, dispatching and delivering those telegrams;
- (e) to establish and operate radio communication services, to regulate and control radio communication and to provide, install and maintain the necessary equipment for any other person authorised to operate radio communication;
- (f) subject to section 50, to manage and control, on behalf of the Government, a savings bank;
- (g) to perform any duty it is required to perform under this Act; and
- (h) to perform or carry out such other functions as the Minister may direct.

**12. General powers of the corporation.**

Subject to this Act, the corporation may, for the purposes of performing its functions under this Act—

- (a) supply its services or facilities to, or take its services or facilities from, any person;
- (b) determine, impose and levy rates, charges or fees for any services performed by it, or for the use by any person of the facilities provided by it, or for the grant to any person of any licence,

- permit or certificate issued under this Act;
- (c) acquire by purchase, lease or otherwise, construct, erect, maintain, alter or improve buildings or any other necessary or desirable works, plant or apparatus necessary or desirable for the supply, storage or transmission of electric energy for the corporation's purposes;
- (d) sell, let or otherwise dispose of any property, movable or immovable, which it has acquired, constructed or erected; except that the corporation shall not sell, let or otherwise dispose of any building on land placed at its disposal by the Government except with the consent of and under conditions agreed by the Government;
- (e) carry on all such other activities as may appear to it to be requisite, advantageous or convenient for it to carry on for or in connection with or incidentally under this Act; and
- (f) exercise any power conferred upon it under the other provisions of this Act.

### **13. Acquisition of land.**

- (1) Whenever any land or interest in land is required by the corporation, the corporation may—
  - (a) if the land is held on lease, acquire it by agreement with the owner of the land; or
  - (b) if the land is not held on lease, or if the corporation is unable to acquire it by agreement, notify the Minister responsible for lands that the land or the interest in the land specified in the notice is required by the board.
- (2) When any notice has been served on the Minister under subsection (1)(b)—
  - (a) if the land is not held on lease, the Minister may, in his or her discretion, upon such terms as the Minister may think fit to impose, place the land at the disposal of the corporation;
  - (b) if the land is held on lease, the Government may, in its discretion and if it is permitted by law so to do, acquire the land compulsorily and the Minister responsible for lands shall make such arrangements as may be necessary to place it, upon such terms as he or she may think fit to impose, at the disposal of the corporation.

PART IV—WORKS.

**14. Interpretation of Part IV.**

In this Part of this Act, unless the context otherwise requires—

- (a) “construct” includes erect, place, maintain, alter or remove;
- (b) “installation” means and includes telephone and telegraph lines and poles and radio route installations.

**15. Survey and way leaves.**

- (1) Subject to this Act—
  - (a) any authorised employee of the corporation may— (i) enter upon and survey any land; (ii) enter upon any land in order to construct any installation;
  - (b) the corporation may construct installations in, on, over, under, along or across any land; but— (i) the corporation shall not acquire any right other than that of user only in the land so used; (ii) the corporation shall give reasonable notice of its intention to construct to the owner or occupier of the land or to the person having the control or management of the land.
- (2) In the exercise of its powers under subsection (1), the corporation may—
  - (a) cut and remove all trees and undergrowth which interfere or are likely to interfere with the construction of any existing or proposed installation;
  - (b) utilise any tree or building for the construction of any installation;
  - (c) open or break up any road and— (i) alter the position of any pipe for the supply of water, gas or compressed air, or the position of any drain not being a main drain; except that in any case where the corporation exercises its powers under this subparagraph, the corporation shall make arrangements to ensure that there shall not be any undue interference with the supply of water, gas or compressed air or with the maintenance of drainage or with the continuance of telephonic or telegraphic communication; or (ii) require the owner of any electric supply line to alter the

position of the electric supply line to the satisfaction of the managing director; and if the position of the electric supply line is so altered, the cost of the alteration shall be borne by the corporation; except that where the owner does not agree to alter the position of an electric supply line, the managing director may refer the matter to the Minister whose decision shall be final.

(3) Where the corporation exercises any power under subsection (1) in relation to any property under the control or management of a local authority, the authority may authorise its representative to superintend the work to the satisfaction of the representative; and any reasonable expense to which the local authority is thereby put shall be borne by the corporation.

(4) Where the corporation constructs any installation on, in, over, under, along or across any—

- (a) watercourse, harbour or lake, it shall be so constructed as not to hinder or obstruct navigation;
- (b) road or railway, it shall be so constructed as not to hinder, obstruct or interfere with, the passage along the road or railway.

(5) Any authorised employee of the corporation may, for the purposes of preventing the occurrence of any accident or repairing any damage caused by any accident or of restoring the proper operation of any telephone or telegraph services provided by the corporation, enter upon any land and—

- (a) cut down or remove any obstruction, not being a building, which endangers or interferes with or is likely to endanger or interfere with any installation;
- (b) execute such other works as may be necessary to prevent the occurrence of any accident, or to restore the proper operation of any telephone or telegraphic service or to repair any damage which is caused as a result of any accident.

(6) Where any damage is caused to property by reason of the exercise of the powers conferred by this section, the owner or occupier of the property shall be entitled to compensation by the corporation in accordance with this Act; but if any obstruction cut down or removed under this subsection came into existence subsequent to the construction of the installation, then no compensation shall be payable in respect of the cutting down or removal of that obstruction.

## **16. Electricity undertakers.**

(1) Subject to subsection (5), any person who establishes or operates any undertaking for the supply of light, heat or power, by means of electricity, or constructs, equips or operates a railway by means of electricity (in this section referred to as “the undertaker”), shall, at least one month before erecting, placing or altering the position of any line or wire for the transmission of electricity, forward to the managing director a notice in writing of his or her intention to execute that work together with a plan of the proposed work; and the undertaker shall further provide all such other information as the managing director may require in order to determine whether the work is likely to interfere unduly with any telephone or telegraph services provided by the corporation.

(2) Where an undertaker has given notice in writing under subsection (1), the managing director shall, within one month of the receipt of the notice, acknowledge in writing receipt of the notice and inform the undertaker whether the corporation approves the proposed work; and if no acknowledgement in writing is so given, the position of any electric supply line specified in that notice shall, for the purposes of this section, be deemed to have been approved in writing.

(3) If the managing director considers the proposed work as likely to interfere unduly with any telephone or telegraph services provided by the corporation, he or she shall inform the undertaker of any requirements he or she may consider necessary to be effected by the undertaker in order to remove or lessen the anticipated interference; and in so doing the managing director shall have regard not only to the interests of persons using the railway facilities provided by the undertaker.

(4) If the undertaker does not agree to effect the requirements of the corporation, the managing director may refer the matter to the Minister, and the undertaker shall not, except insofar as may be agreed to by the managing director, proceed with the execution of the work until the Minister has given his or her decision and the Minister’s decision shall be final.

(5) The managing director may, by notice in the Gazette, specify general requirements to be observed by any undertaker when erecting, placing or altering the position of any electric supply line and may, in the notice, provide that it shall not be necessary—

- (a) for any undertaker effecting any specified class of work;
- (b) for any specified class of undertakers, to give notice under subsection (1) of any proposed work provided the undertaker complies with the general requirements.

(6) The corporation shall at least one month before constructing or altering the position of any trunk, telephone or telegraph line give notice of the proposed work in writing to any undertaker lawfully operating in the area in which the work is to be executed.

(7) The provisions of this section shall be in addition to and shall not derogate from the provisions of any other law.

#### **17. Interfering structures.**

(1) Where any person erects any building or structure which is likely to cause interference with the telecommunications services, the corporation may, unless that person has previously obtained approval in writing of the managing director to the erection of the building or structure or has modified it to the satisfaction of the managing director, require the person to pay to the corporation the amount of any expenditure necessarily incurred by the corporation in the removal of any telecommunications installation, apparatus or equipment in order to prevent the interference.

(2) For the purposes of this section, a building or structure shall be deemed to be likely to interfere with telecommunications services if it exceeds thirty-six metres in height measured from ground level.

#### **18. Removal of installations.**

(1) Where any installation has been constructed on, in, over, under, along or across any property under the control or management of a local authority and that authority considers it expedient, having regard to circumstances which have arisen since the installation was so constructed, that the installation should be removed or that its position should be altered, that authority may require the corporation to remove it or to alter its position, as the case may be, and—

- (a) if the authority had agreed in writing to the position of the installation, then the corporation shall comply with the requirement and the cost of the removal or alteration shall be borne by the local authority;

- (b) if the authority had not agreed in writing to the position of the installation, then—
  - (i) if the managing director or any employee of the corporation authorised by him or her in writing agrees to the removal or alteration, the cost of the removal or alteration shall be borne by the corporation;
  - (ii) if the managing director does not agree to the removal or alteration, the matter shall be referred to the Minister responsible for lands, and the decision of the Minister as to the removal or alteration and as to the payment or apportionment of the cost shall be final.

(2) Where any installation has been constructed on, in, over, under, along or across any property, other than the property under the control or management of a local authority, and any person entitled to do so desires to deal with the property in a manner which requires the removal or alteration, either temporarily or permanently, of the installation, then—

- (a) if that person desires to erect a building on the property, the corporation shall comply with the requirement, and the cost of the removal or alteration shall be borne by the corporation; except that if the installation had been placed in its position in order to provide telephone or telegraph services solely for the person making the requisition, then the cost of the removal or alteration shall be borne by that person;
- (b) if the person desires to deal with the property in a manner other than the erection of a building on the property, the corporation may either—
  - (i) comply with the requirement and bear the cost of the removal or alteration;
  - (ii) comply with the requirement subject to the cost, or any part of it, of removal or alteration being borne by that person and subject to the depositing with the corporation of such sum in contribution to the cost as the managing director may require; or
  - (iii) refuse to comply with the requirement.

(3) Any person whose request for the removal or alteration of any installation has been refused under subsection (2) may appeal to the chief magistrate in whose jurisdiction the property is situated.

PART V—SERVICES.

*Postal services.*

**19. Letters to be conveyed only by the corporation.**

(1) No letters other than exempted letters shall be conveyed by land, by water or by air into or out of Uganda or between any two places of which one is within Uganda, or be delivered or distributed in Uganda otherwise than by or through the corporation.

(2) For the purposes of this section, exempted letters are—

- (a) letters carried privately by any person for delivery to another person to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them;
- (b) letters sent by means of a messenger on a purpose solely concerning the affairs of the sender or receiver of the letters;
- (c) letters solely concerning goods or other property sent by land, by water or by air, to be delivered with the goods or property which the letters concern without hire, reward or other profit or advantage for receiving, carrying or delivering them, if the letters are open to inspection and have superscribed on them the words “consignee’s letters” or other words to that effect;
- (d) letters carried by any person in circumstances authorised by the managing director and subject to such conditions as he or she may impose.

(3) In this section, the expression “letters” means any written or printed communication conveying from one person to any other particular person information upon matters personal to those persons, information upon which it is intended that the recipient should reply, etc. or refrain from acting, but does not include any written or printed communication which is a newspaper or a periodical unless the newspaper or periodical is accompanied by any postal communication.

**20. Stamps, etc. to be issued by the corporation.**

(1) The corporation shall be responsible for producing and issuing postage stamps, prestamped envelopes, wrapper form and international reply coupon; but the managing director may appoint, subject to such conditions as he or she may determine, any person to be an authorised agent for the

purpose of making available to the public any such articles.

(2) The managing director may, subject to such conditions as he or she may determine, licence the use by any person of a franking machine.

## **21. Rates and charges.**

(1) Subject to this Act, the corporation shall determine the rates of postage and the charges to be paid in respect of any service provided by the corporation.

(2) The corporation shall publish the rates of postage and the charges so determined in the post office guide.

(3) All postage and other charges on postal articles imposed under this Act shall be prepaid by means of postage stamps or impressions of franking machines issued under this Act; and the stamps and impressions shall be affixed to all postage articles liable to postage to the amount of the rate of postage payable on the postal article; except that the Minister may by statutory instrument—

- (a) prescribe other means of payment for such classes of postal articles as may be specified in the instrument and the regulations as may provide for the use of postal franks;
- (b) provide for the conditions under which postal articles in respect of which the postage is unpaid or insufficiently prepaid may be transmitted by post.

(4) The Minister may, by statutory order, declare that any specified postage stamps previously issued under this Act for the payment of postage or other charges shall cease, as from a specified date, to be valid for such purposes.

## **22. Liability for postage due.**

(1) The person to whom any postal article is addressed on which postage or any other charge is due shall be liable to pay the postage or other charge unless—

- (a) he or she refuses to accept delivery of the postal article; or
- (b) having accepted delivery for the postal article, he or she forthwith returns it unopened.

(2) If any postal article appears to the satisfaction of the managing director or any other authorised employee of the corporation to have been maliciously sent for the purpose of annoying the addressee, he or she may waive the postage or other charge due from the addressee.

(3) If any postal article on which the postage or any other charge is due is refused or returned unopened by the addressee, or if the addressee is dead or cannot be found, then the sender shall be liable to pay the postage or any other charge due on the postal article.

(4) If any person refuses to pay any postage or other sum which he or she is legally bound to pay in respect of any postal article, the managing director may, without prejudice to any other method of recovery, withhold from that person any postal article, not being an article designated as being sent in the service of the Government addressed to that person until the postage or other sum is paid.

### **23. Refund of wrong payment of money orders.**

Where any person receives—

- (a) any amount paid to him or her in respect of a money order by an employee of the corporation in excess of that which ought to have been paid to him or her in respect of the money order; or
- (b) any amount in any respect of a money order paid to him or her by an employee of the corporation instead of to some other person to whom it ought to have been paid,

the managing director may call upon him or her to refund to the corporation the amount of the wrong payment; and if the refund is not immediately made, the amount of that wrong payment may be sued for.

### **24. Proceedings for recovery of charges due.**

In every proceeding for the recovery of any postage or other charge alleged to be due under this Act in respect of a postal article—

- (a) the production of a postal article having on it the official mark of the corporation or the signature or the initials of an employee of the corporation denoting that the article has been refused, returned unopened or unclaimed, or that the addressee is dead or cannot be found, shall be prima facie evidence of the fact so denoted;
- (b) the person from whom the postal article purports to have come

shall, until the contrary is proved, be deemed to be the sender of the postal article; and (c) the production of a postal article having on it the official mark of the corporation denoting that any postage or other charge is due in respect of the postal article to the corporation or to the postal administration of any foreign country shall be conclusive evidence for all purposes that the sum so denoted is due.

## **25. Opening postal articles.**

(1) Subject to this Act, where any postal article is in the course of transmission by post, no employee of the corporation shall open it or deliver it to any person other than the addressee, or permit it to be opened or delivered to any person other than the addressee; but nothing in this Act shall preclude the examination of any postal article and the disposal of any article in accordance with the provisions—

- (a) of any customs law; or
- (b) of any other law prohibiting or regulating the importation or exportation of any article.

(2) The managing director may, in any individual circumstances which appear to him or her to warrant such a course, grant his or her warrant in writing for opening or returning any mail bag or specified postal article.

(3) On the occurrence of any public emergency or in the interest of public safety or tranquility, the Minister responsible for internal security may, by order in writing to the managing director, direct that any postal article, or class or description of postal articles, in the course of transmission by post within Uganda be intercepted or detained or be delivered to any officer mentioned in the order or be disposed of in such manner as the Minister may direct.

(4) A certificate signed by the Minister shall be conclusive proof of the existence of a public emergency within Uganda or that any act done under subsection (3) was in the interest of public security or tranquility.

## **26. Obscene or prohibited postal articles.**

If the managing director has reason to believe—

- (a) that any postal article has on it or enclosed in it any words, drawing or picture, of a seditious, scurrilous, threatening, obscene

or grossly offensive character; or (b) that any postal article is one which has been declared by regulations made under this Act to be prohibited from transmission by post, he or she may direct that the postal article be detained and examined and if on that examination the postal article is found to have on it or in it any such words, drawings or pictures, or to be one which is prohibited from transmission by post, the managing director may direct that it shall be disposed of in such manner as he or she may think fit.

## **27. Postal articles involved in an offence.**

(1) The managing director shall on request of the Inspector General of Police or whenever he or she has reason to believe that any postal article contains anything in respect of which an offence is being or has been committed, or is being attempted to be committed, require, by notice in writing, the attendance, at a specified post office and time, of the addressee of the postal article or of some agent deputed in writing by the addressee and of a police officer; and that postal article shall then be opened by the addressee or his or her agent in the presence of an authorised employee and of the police officer.

(2) If the addressee or his or her agent fails to attend in pursuance of the notice or refuses to open the article, it shall be opened by the authorised employee in the presence of the police officer.

(3) Where a postal article has been opened under this section, it shall be delivered to the addressee unless the police officer states that it is required for the purposes of any legal proceedings, in which event it shall be delivered to the police officer on his or her signing a receipt for it.

## **28. Postal articles with fictitious stamps.**

(1) Any authorised employee of the corporation may detain and withhold from delivery any postal article bearing or containing any fictitious postage stamp or purporting to be prepaid with any postage stamp previously used to prepay any other postal article or for the payment of any revenue duty or tax.

(2) The managing director may direct that any postal article detained under this section shall not be delivered to the addressee unless the addressee

undertakes to return immediately that portion of the postal article which bears the address and the fictitious or previously used postage stamp, the entire postal article and to give such information with regard to the name and address of the sender and such other particulars as the managing director may require.

### **29. Notice of departing vessels.**

(1) The master or agent of any vessel or aircraft which is about to depart from any harbour or airport in Uganda shall give to the officer in charge of the post office at that harbour or airport, notice in writing of the intended time of departure and the places of call and destination.

(2) The notice referred to in subsection (1) shall be given not less than—

(a) twenty-four hours before departure, in the case of a vessel or aircraft proceeding to a destination outside Uganda; and

(b) three hours before departure, in the case of a vessel or aircraft proceeding to a destination within Uganda,

and shall expire between the hours of eight o'clock in the forenoon and six o'clock in the afternoon; except that a shorter notice may be allowed by the managing director or the officer in charge of the post office at the harbour or airport of departure in any case or special class of cases.

(3) Where it has been decided to postpone the departure of any vessel or aircraft after the notice has been given, then the master or agent of the vessel or aircraft shall, within one hour of the decision to postpone the departure having been taken, give a similar notice of the new intended time of departure.

(4) The managing director may exempt any vessel, aircraft or class of vessel or aircraft from any or all of the provisions of this section.

### **30. Duty of master of vessel to carry and deliver mail.**

(1) The master of any vessel, aircraft or train about to depart from any harbour, airport or station in Uganda to any other place, whether within or outside Uganda, shall receive on board any mail bag tendered to him or her by an authorised officer for conveyance, granting a receipt for the mail bag in such form as the managing director may require, and shall without delay deliver it to the port or station or place nearest to the post office of

consignment.

(2) The master of any vessel or aircraft arriving at any harbour, airport or place in Uganda shall without delay—

- (a) report to the officer in charge of the post office nearest to the harbour, airport or place of arrival the presence on board of any postal article or mail bag destined for Uganda and shall deal with the postal article or mail bag as required by the officer; and
- (b) if so required by the officer, shall cause every postal article or mail bag on board to be delivered to a post office or to an authorised employee; and the receipt of the officer shall discharge the master of the vessel or aircraft from all further responsibility in respect of the postal article or mail bag.

### **31. Payments to masters of vessels.**

(1) The corporation shall pay the masters, owners or agents of vessels, aircraft or trains for the conveyance of mail bags and postal articles.

(2) Before payment is made, the managing director may require the master of any such vessel or aircraft or train to produce evidence that the mail bags or postal articles have been duly received from him or her.

- (3) No amount shall be payable under this section—
  - (a) unless application is made for payment within twelve months of the dispatch of mail bags or postal articles; or
  - (b) if the mail bags or postal articles have not been delivered or have been damaged in transit unless the master proves to the satisfaction of the managing director that the nondelivery or damage, as the case may be, was not due to any fault or lack of sufficient care on the master's part.

### **32. Liability of the corporation.**

(1) Except insofar as is otherwise provided in regulations made under this Act, the corporation shall not incur any liability—

- (a) by reason of the loss, misdelivery or delay of, or damage to, any postal article in the course of transmission by post; or
- (b) by reason of the interception, detention or disposal of any postal article in accordance with this Act.

(2) Except insofar as is otherwise provided in regulations made under this Act, the corporation shall not incur any liability by reason of the wrong payment of a money order.

(3) The liability of an agent of the corporation in the carriage, transmission or delivery of any postal article for loss or damage to the article shall be limited to the same extent as the liability of the corporation by regulations made under this Act; but this subsection shall not affect the liability of the agent to the corporation.

### **33. Regulations for postal services.**

(1) The Minister may, by statutory instrument, make regulations with respect to the postal services and, in particular, but without prejudice to the generality of the foregoing, with respect to—

- (a) the disposal of undelivered postal articles;
- (b) the licensing and use of franking machines for prepayment of postage and the use of postal franks;
- (c) declaring what articles may be transmitted as postal articles and that articles are prohibited from being so transmitted;
- (d) specifying the conditions for the perforation or defacement of postage stamps and the conditions on which postage stamps may be accepted or refused in payment of postage or other charges;
- (e) specifying the conditions on which compensation may be paid for the loss of or damage to any postal article;
- (f) specifying the conditions for the registration and insurance of postal articles;
- (g) specifying the conditions for the issue and payment of money orders at post offices;
- (h) specifying the conditions subject to which any postal article in the course of transmission by post may be delivered to the sender without reference to the consent of the addressee; and
- (i) specifying the conditions for the acceptance of cash-on-delivery postal articles.

(2) The corporation shall include in the post office guide the application of regulations agreed upon by the Universal Postal Union in relation to the transmission of postal articles or any part or modification of them.

*Telephone services.*

**34. Exclusive right to provide telephone services.**

- (1) The corporation shall have the exclusive right of providing telephone services and of constructing, maintaining and operating telephone apparatus within Uganda; except that the Minister may—
  - (a) exempt from the provisions of this subsection the construction, maintenance and operation of telephone apparatus by such persons as may be specified, either absolutely or subject to such conditions as may be specified;
  - (b) grant a licence to any person to construct, maintain and operate telephone apparatus—
    - (i) for the purposes of his or her private or business affairs;
    - or (ii) for the purposes of telephonic communication by members  
of the public between any place within Uganda and any place outside Uganda.
- (2) A telephone licence may be issued subject to such conditions as the Minister may deem fit to impose, including the payment of any prescribed fee, the purposes for which, the persons by whom and the circumstances in which the telephone apparatus may be used and the places in or along which the telephone apparatus may be constructed.
- (3) A telephone licence shall, unless previously revoked, continue in force for such period as may be specified in the licence.
- (4) A telephone licence may be revoked, or its conditions varied, by a notice in writing of the Minister served on the holder of the licence.
- (5) Where any telephone licence is granted to a person for the purposes of telephonic communication with any place outside Uganda, the Minister shall include in each licence provisions by which any person within Uganda may, subject to such reasonable conditions as may be determined, have telephonic communication with any place outside Uganda to which the holder of the licence is authorised to operate telephone services; and for that purpose the managing director shall make all necessary arrangements for the connection of the telephone services provided by the corporation with those provided by the holder of the licence.

### **35. Secrecy of telephone communications.**

Subject to this Act, no employee of the corporation nor any holder or employee of any holder of a public telephone licence shall—

- (a) intercept any communication between other persons over the telephone services except insofar as the interception is necessary for the proper working of those services; or
- (b) disclose any such communication, or any information in relation to the communication, of which he or she is aware except in accordance with the order of any court.

### **36. Interception and disclosure in public emergency.**

(1) On the occurrence of any public emergency or in the interest of public safety or tranquility, the Minister responsible for internal security may, by order in writing, direct—

- (a) any authorised employee of the corporation to take temporary possession of any telephone apparatus constructed, maintained or operated by any person within Uganda; or
- (b) that any communication over the telephone service provided by the corporation within Uganda or by the holder of any telephone licence within Uganda to or from any person or class of persons, or relating to any particular subject, be intercepted and disclosed to any person specified in the direction.

(2) A certificate signed by the Minister responsible for internal security shall be conclusive proof of the existence of a public emergency or that any act done under subsection (1) was in the interest of public safety or tranquility.

### **37. Liability for interruption, interception, etc.**

Except insofar as may otherwise be provided in regulations made under section 38, the corporation shall not incur any liability—

- (a) by reason of any interruption, whether total or partial, in the telephone services;
- (b) by reason of any delay in the connection of any telephone with another telephone for the purposes of telephonic communication, or of any conditions which result in any such telephonic communication being unsatisfactory, or any such telephonic communication being accidentally overheard by any person;

- (c) by reason of the interception or disclosure, in accordance with this Act, of any telegraphic communication.

### **38. Regulations for telephone services.**

The Minister may make regulations generally with respect to the telephone services and to the construction, maintenance and operation of telephone apparatus and, in particular, but without prejudice to the generality of the foregoing, with respect to—

- (a) the conditions on which telephone services may be provided by the corporation or by the holder of any public telephone licence; and
- (b) the conditions on which any telephone licence may be granted under this Act.

#### *Telegraph services.*

### **39. Exclusive right to provide telegraph services.**

(1) The corporation shall have the exclusive right of providing telegraph services within and out of and into Uganda, and constructing, maintaining and operating telegraph apparatus within Uganda.

- (2) Notwithstanding subsection (1), the Minister may—
  - (a) exempt from subsection (1) the construction, maintenance and operation of telegraph apparatus by any person, and subject to such conditions as he or she may deem fit;
  - (b) grant a licence to any person to construct, maintain and operate telegraph apparatus, for the purposes of his or her private or business affairs or of telegraphic communication by members of the public between any place within Uganda and any place outside Uganda.

(3) A telegraph licence may be issued subject to such conditions as the Minister may think fit, including the payment of any prescribed fee, the purposes for which the telegraph apparatus may be used and the places in or along which the telegraph apparatus may be constructed.

(4) A telegraph licence shall, unless previously revoked by the Minister, continue in force for such period as may be specified in the licence.

(5) A telegraph licence may be revoked, or its conditions varied, by a notice in writing of the Minister served on the holder of the licence.

(6) Where any telegraph licence is granted to a person for the purposes of telegraphic communication with any place outside Uganda, the Minister shall include in the licence provisions by which any person within Uganda may, subject to such reasonable conditions as may be determined, send telegrams to or receive telegrams from any place outside Uganda to which the holder of the licence is authorised to operate telegraph services; and for such purposes the managing director shall make all necessary arrangements by which such telegrams may be transmitted within Uganda by means of the telegraph services provided by the corporation.

#### **40. Secrecy of telegrams, etc.**

Subject to this Act, no employee of the corporation nor any person in the employment of the holder of a public telegraph licence shall—

- (a) refuse to transmit any telegram brought for transmission to any place with which telegraphic communications are established; or
- (b) disclose the contents of, or any information in relation to, any telegram to any person other than the sender or addressee of the telegram except insofar as the disclosure may be necessary for the purposes of the working of the telegraph services; except that the contents of any telegram shall be disclosed— (i) in accordance with the order of any court; or (ii) on the written request of the sender or addressee of the telegram.

#### **41. Disclosure in public emergency.**

(1) On the occurrence of any public emergency or in the interest of public safety or tranquility, the Minister responsible for internal security may, by order in writing, direct—

- (a) any authorised employee of the corporation to take temporary possession of any telegraph apparatus constructed, maintained or operated by any person within Uganda; or
- (b) disclose the contents of, or any information in relation to, any telegram to any person specified in the direction.

(2) A certificate signed by the Minister shall be conclusive proof of the existence of a public emergency, or that any act done under subsection

(1) was in the interest of public safety or tranquility.

#### **42. Liability for interruption, etc.**

(1) Except insofar as is otherwise provided in regulations made under section 44, the corporation shall not incur any liability—

- (a) by reason of the interruption, whether total or partial, of the telegraph services;
- (b) by reason of any delay in the transmission of any telegram or by reason of any error in omission from, nondelivery or misdelivery of any telegram; or
- (c) by reason of the nontransmission, detention or disclosure of any telegram in accordance with this Act.

(2) Neither the corporation nor any employee of the corporation nor the holder of any public telegraph licence nor any person employed in connection with the telegraph services shall be liable in any legal proceedings, civil or criminal, by reason of any defamatory telegram.

#### **43. Transcript of telegram to be prima facie evidence.**

The transcript of every telegram after transmission and before delivery of the telegram to the addressee shall be stamped or initiated by the employee of the corporation receiving the telegram for delivery; and the transcript purporting to be so stamped or initiated shall be admissible in any legal proceedings and shall be prima facie evidence—

- (a) that the message stated in the transcript is the same as that stated in the original telegram delivered for transmission; and
- (b) that the original telegram was duly signed and delivered for transmission by the person by whom the transcript purports to be signed, and it shall not be necessary to prove the signature of the person purporting to sign the original telegram or that it was delivered for transmission or that the transcript was so stamped or initiated.

#### **44. Regulations for telegraph services.**

The Minister may make regulations generally with respect to the telegraph services and to the construction, maintenance and operation of telegraph apparatus and, in particular, but without prejudice to the generality of the foregoing, with respect to—

- (a) the conditions which the telegraph services may be provided by the corporation or by the holder of any public telegraph licence;
- (b) the conditions on which any telegraph licence may be granted under this Act; and
- (c) the period after which, and the conditions on which, telegrams and other documents relating to the telegraph services may be destroyed.

*Radio communication.*

**45. Application of radio communication provisions.**

Subject to this section, sections 46, 47 and 48 shall apply—

- (a) to all radio communication stations and radio communication apparatus in Uganda;
- (b) to all radio communication stations and radio communication apparatus on board any vessel or aircraft which is registered in Uganda and is not for the time being in Uganda;
- (c) to radio communication apparatus which is not in but released from within Uganda,

and, without prejudice to the liability of any other person for contravention of any of the omissions of sections 46, 47 and 48, or of any regulations made thereunder, the master of a vessel or aircraft in respect of which the contravention occurs commits an offence under this Act.

**46. Licensing of radio communications.**

- (1) (a) No person shall—  
establish or use any radio communication station or possess radio communication apparatus without a licence issued by the
- (b) Minister; or  
sell or let on hire or otherwise dispose of any  
radio  
communication apparatus to any person, unless the person holds a valid licence in respect of that apparatus.

(2) The Minister may exempt from subsection (1) any classes or descriptions of persons, radio communication stations or radio communication apparatus, subject to such conditions as may be specified.

(3) A radio communication licence may be granted for such period and subject to such conditions, including the payment of any prescribed fee,

as the Minister may think fit, including, in particular—

- (a) in the case of a licence to establish a station, conditions as to the positions and nature of the station, the purpose for and circumstances in which, and the persons by whom the station may be installed or used therein; and
- (b) in the case of any other licence, conditions as to the radio communication apparatus which may be installed or used, the places where, the purposes for and circumstances in which, and the persons by whom the apparatus may be used.

(4) A radio communication licence may be revoked, or its conditions varied, by a notice in writing of the Minister served on the holder of the licence or by a general notice applicable to licences of the class to which the licence in question belongs published in such manner as may be specified in the licence.

(5) Where an application for the grant or renewal of a radio communication is made to the Minister by any person and the Minister is satisfied that the only purpose for which the applicant requires the licence is to enable him or her to conduct experiments in radio communications for the purpose of scientific research, the Minister shall not refuse to grant or renew the licence and shall not revoke the licence when granted, and no sum shall be payable under the regulations made under section 48 otherwise than on the grant or renewal of the licence; but—

- (a) nothing in this section shall limit the discretion of the Minister as to the conditions which he or she attaches to any radio communication licence or his or her power to vary the conditions of any such licence;
- (b) nothing in this section shall prevent the Minister from refusing to grant or renew, or from revoking, any radio communication licence if, whether before or after the grant or last renewal of the licence, the applicant has been convicted of any offence under this Act whether in relation to any radio communication apparatus covered by the licence or any other radio communication apparatus, or has contravened any of the conditions of that or any other radio communication licence granted to him or her, or has been convicted of using any apparatus for the purpose of interfering with any radio communication.

(6) Nothing in this section shall authorise the inclusion, in any radio

communication licence relating solely to radio communication apparatus not designed or adapted for emission, of any condition requiring any person to concede any form of right of entry into any private dwelling house.

**47. Powers on occurrence of public emergency.**

(1) On the occurrence of any public emergency or in the interest of public safety or tranquility, the Minister responsible for internal security may, by order in writing, direct—

- (a) the managing director to take temporary possession of any radio communication station within Uganda and the apparatus which may be installed or used in the radio communication station;
- (b) that any communication or class of communication shall or shall not be omitted from any station or apparatus.

(2) A certificate signed by the Minister responsible for internal security shall be conclusive proof of the existence of a public emergency or that any act done under subsection (1) was in the interest of public safety or tranquility.

**48. Regulations for radio communication.**

(1) The Minister may make regulations generally with respect to the regulation of radio communication, other than radio communication restricted to the receiving of public broadcasting, and in particular, but without prejudice to the generality of the foregoing, with respect to—

- (a) the fees or sums to be paid on the grant or renewal of a radio communication licence and the conditions on which such licence may be granted, renewed or revoked;
- (b) the things to be done or not to be done in connection with the use of any station or radio communication or radio communication apparatus and, in particular, requiring the use of any such station or apparatus to cease on the demand in that behalf of any authorised employee;
- (c) obligations for permitting and facilitating the inspection of any station, apparatus, or licence by any authorised employee, and for the keeping and production on request of such accounts as may be specified;
- (d) the exhibition at any station of such notices as may be specified in the regulations;
- (e) the use on board any vessel or aircraft, other than a vessel or

aircraft registered or licensed in Uganda, within the limits of Uganda and the territorial waters adjacent to Uganda of radio communication apparatus on board the vessel or aircraft; and (f) the importation, acquisition, manufacture, sale, letting on hire or other disposition of radio communication apparatus of any kind, or the possession, use or installation of the apparatus,  
and different provisions may be made by the regulations for different classes of case.

(2) Nothing in any regulation made under subsection (1) shall require any person to concede right of entry into a private dwelling house for the purpose of permitting or facilitating the inspection of any radio communication apparatus not designed or adapted for permission.

#### **49. Radiation of electromagnetic energy, etc.**

(1) The Minister may, so as to ensure that there is no undue interference with radio communication, make regulations prescribing requirements to be complied with by any person who uses, or sells otherwise than for export, or lets on hire any apparatus, other than radio apparatus, generating or designed to generate or liable to generate fortuitously electromagnetic energy at the frequencies as may be specified, and the regulations may, in particular, prescribe—

- (a) the maximum intensity of electromagnetic energy of any specified frequencies which may be radiated in any direction from the apparatus while it is being used; and
- (b) in the case of an apparatus the power for which is supplied from electric supply lines, the maximum electromagnetic energy of any specified frequencies which may be injected into those lines by the apparatus,

and different requirements may be prescribed for various circumstances and in relation to diverse classes or descriptions of apparatus, different districts or places and separate times of use.

(2) The managing director may by notice in writing require any person who, in his or her opinion, is not complying with the regulations made under this section, to stop using or selling or letting on hire, as the case may be, the apparatus in question, or to lose or sell or let on hire the apparatus subject to such conditions as may be specified in the notice.

- (3) Any person aggrieved by the notice under subsection (2) may by

written request ask the managing director to refer the matter to a tribunal and—

- (a) the notice of the managing director shall not operate until the termination of the proceedings before the tribunal, unless the managing director is satisfied that the use of the apparatus is likely to cause undue interference with any radio communication used for the purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; and
- (b) the decision of the tribunal on the matter shall be final.

(4) For the purposes of this section, the Minister shall appoint a tribunal which shall consist of—

- (a) a chairperson who shall be a judge of the High Court;
- (b) two other members who shall be persons possessing, in the opinion of the Minister, expert knowledge of the matters likely to come before the tribunal and who are not officers of the corporation.

*Savings bank.*

**50. Management of a savings bank.**

(1) The corporation may, on behalf of the Government, manage and control a savings bank, established and run in accordance with the laws governing banking and credit institutions.

(2) No person employed in the savings bank shall, by reason only of that employment, be in the service of the corporation nor shall that person, by reason only of that employment, receive any salary or other emoluments from the funds of the corporation.

(3) Nothing in subsection (2) shall prevent the managing director from authorising the employment of any employee of the corporation in a savings bank where arrangements have been made for the reimbursement of any salary or allowance, or the payment of any retiring benefits or contributions, to the funds of the corporation and while the employee is so employed he or she shall continue to be for all purposes an employee of the corporation.

- (4) It is declared that—
  - (a) the corporation shall be incapable of suing or being sued in

respect of any matter relating to the savings bank nor shall any such matter be deemed to be within the purposes of the corporation;

- (b) the funds of the corporation shall not be liable to be charged with any amount in respect of any matter relating to the savings bank nor shall any sum accruing, or payable, in respect of the operation of the savings bank be included in the revenue or chargeable to the expenditure of the corporation; but nothing in this paragraph shall prevent the corporation from paying from its funds the salaries and allowances of duly authorised employees of the corporation employed in any savings bank or from receiving into the funds of the corporation the reimbursements, payments and contributions referred to in subsection (3);
- (c) the corporation shall, in any matter relating to the savings bank, be deemed to be in the service of the Government.

#### PART VI—STAFF.

##### **51. Managing director.**

(1) The corporation shall have a managing director appointed by the Minister for such period and on such terms and conditions as the Minister may determine.

(2) Subject to this Act and to the general control of the board on matters of policy, the managing director shall be responsible for the management of the funds, property and business of the corporation, the administration and organisation of its affairs, and the control of its staff.

##### **52. Secretary to the corporation.**

The corporation shall have a secretary, who shall be appointed by the board, for the purpose of attending meetings and keeping minutes of the meetings of the board and generally performing such other duties as may be assigned to him or her by the board.

##### **53. Officers and employees of the corporation.**

(1) The board may, with the approval of the Minister from time to time and on such terms and conditions as it thinks fit—

- (a) appoint such other officers and employees as may be necessary

for the proper and efficient discharge of its functions; (b) grant pensions, gratuities or retiring allowances to the staff and employees of the corporation and require them to contribute to any pension, provident fund or superannuation scheme.

(2) Public officers may be seconded to the corporation.

#### PART VII—FINANCIAL PROVISIONS.

##### **54. Funds of the corporation.**

- (1) The funds of the corporation shall consist of—
- (a) any grant of a capital nature from the Government;
  - (b) any loan from the Government, organisations or any person; and
  - (c) any monies that may be payable to the corporation in the discharge of its functions.

(2) All income and other monies of the corporation shall be deposited to the credit of the corporation in a bank approved by the Minister and shall not be withdrawn except in accordance with the corporation's annual or supplementary budget.

##### **55. Borrowing powers.**

(1) The corporation may, with the prior approval of the Minister responsible for finance, borrow such sums of money required by it for the purpose of meeting any expenditure of a capital nature or for the discharge of its functions under this Act.

(2) The corporation may charge its assets, other than the installations and apparatus used for postal and telecommunications services and the buildings or structures within which they are situate, and its undertakings and revenue with the repayment of any money borrowed together with interest on that money and may issue debenture, bonds or other securities in order to secure repayment of any money so borrowed.

##### **56. Estimates and investment.**

(1) The board shall, within three months before the end of each financial year, make and submit to the Minister for his or her approval estimates of the income and expenditure of the corporation for the next

ensuring year.

(2) The board may invest any money under its control in any project approved by the Minister in consultation with the Minister responsible for finance.

**57. Accounts and audit.**

(1) The corporation shall keep proper books of account and proper records in relation to them.

(2) The accounts shall, in respect of every financial year, be subject to audit by the Auditor General or an auditor appointed by him or her.

(3) The Auditor General shall deliver to the Minister a copy of the audited accounts of the corporation not later than six months from the end of the financial year to which they relate.

(4) The Minister shall lay before Parliament a copy of the audited accounts delivered under subsection (3).

(5) In this section, “financial year” means the period of twelve months beginning on the first day of January and ending on 31st December, or such other period of twelve months as the Minister may, by writing under his or her hand, authorise the corporation to adopt as its financial year.

PART VIII—OFFENCES AND PENALTIES.

**58. Unlawfully conveying letters.**

Any person who contravenes any of the provisions of section 19 commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or one hundred shillings for each letter unlawfully collected, conveyed, distributed or delivered, whichever is the greater, or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

**59. Fraudulently sending unpaid postal articles.**

Any person who sends by post or puts into any mail bag or postal article upon which the postage has not been paid or charged as required by this Act,

intending thereby to defraud the corporation of the postage on the postal article, commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding one year.

**60. Selling stamps, etc. at wrong rate.**

Any person appointed by the managing director as an authorised agent under section 20 who sells any article mentioned in that section at a rate other than that fixed by the corporation commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months.

**61. Unlawful opening or delivery, etc. of postal articles.**

Any person who—

- (a) opens or permits to be opened any postal article otherwise than in accordance with this Act;
- (b) knowingly reveals, discloses or in any way makes known the contents of, or any information in relation to, any postal article opened under the authority of this Act otherwise than in accordance with the law;
- (c) knowingly destroys, detains or secretes any mail bag or postal article otherwise than in accordance with this Act; knowingly
- (d) permits any unauthorised person to interfere in any way with any mail bag or postal article; fraudulently, or with intent to deceive,
- (e) prepares, alters, secretes or destroys any document used for purposes of the postal services; fraudulently puts any official
- (f) mark on a postal article; produces or issues postage stamps,
- (g) prestamped envelopes, wrappers or forms or international reply coupons without the authority of the managing director; fraudulently alters, removes or erases any official mark or
- (h) postage stamp which is on a postal article; or knowingly demands or receives from any person any sum of money in respect of
- (i) postage or other charges thereof which is not chargeable under this Act, commits an offence and is liable on conviction to

imprisonment for a term not exceeding two years or to a fine not exceeding four thousand shillings or to both such fine and imprisonment.

**62. Issuing money order with fraudulent intent.**

Any person who, with intent to defraud, issues any money order or valuable security commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding four thousand shillings or to both such fine and imprisonment.

**63. Transmitting prohibited or seditious matters.**

Any person who—

- (a) sends by post any postal article which is prohibited from being so transmitted by regulations made under this Act;
- (b) sends by post, otherwise than in accordance with any regulations made under this Act, any postal article containing any noxious, explosive or dangerous substance which would be likely to damage any other postal article;
- (c) subscribes on the outside of any postal article, or makes in any declaration relating to a postal article any statement which he or she knows or has reason to believe to be false, or which he or she does not believe to be true, in relation to the contents or value of the postal article;
- (d) with intent to defeat the course of justice sends by post any postal article containing anything with respect to which, or in connection with which, any offence against the law of Uganda to his or her knowledge has been or is being committed; or
- (e) without lawful excuse, the proof of which shall lie on him or her, sends, or procures to be sent, by post a postal article which has on it or enclosed in it any words, drawing or picture of a seditious, scurrilous, threatening, obscene or grossly offensive character,

commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

**64. Offences by master or agent of vessel.**

Any master or agent of a vessel or aircraft who contravenes sections 29 and 30 commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings.

**65. Unlawfully maintaining telephone or telegraph apparatus.**

Any person who, unless exempted under regulations made under sections 38 and 44 constructs, maintains, operates telephone or telegraph apparatus otherwise than under and in accordance with any telephone or telegraph licence commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

**66. Unlawfully intercepting or disclosing telegraph or telephone communication.**

Any person who, being an employee of the corporation or a person employed, whether by the corporation or by the holder of a public telephone or telegraph licence, in connection with the telephone or telegraph services—

- (a) contravenes any of the provisions of sections 35 and 40; permits
- (b) any other person to intercept or ascertain any communication over the telephone services or the contents of any telegram otherwise than in accordance with this Act;
- (c) knowingly permits any unauthorised person to interfere in any way with any telephone or telegraph apparatus used in connection with the telephone or telegraph services; with intent to defraud
- (d) or to deceive, prepares, alters, secrets or destroys any document used for the purposes of the telephone or telegraph services;
- (e) knowingly demands or receives from any other person any sum of money in respect of the use by that other person of the telephone or telegraph services which is not chargeable under this Act;
- (f) with intent to defraud or deceive, uses or permits to be used the telephone or telegraph services for private communications without payment;
- (g) with intent to defraud or to deceive, alters any telegram which he or she has received for transmission; or wilfully detains or fails to
- (h) transmit, otherwise than in accordance with this Act, any telegram which he or she has received for transmission, commits an

offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding four thousand shillings or to both such fine and imprisonment.

**67. Forgery of telegrams.**

Any person who—

- (a) forges or, with intent to deceive, alters any telegram;
- (b) utters any telegram knowing it to be forged or altered with intent to deceive; or
- (c) with intent to deceive, delivers for transmission any telegram which he or she knows contains any false or fabricated message,

commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding four thousand shillings or to both such fine and imprisonment.

**68. Unlawful using or interfering with radio communication.**

Any person who—

- (a) contravenes any regulation made under section 48 or the terms of any licence issued in respect of any radio apparatus; or
- (b) uses any apparatus for the purpose of interfering with any radio communication,

commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months.

**69. Unlawful sending or receiving messages.**

Any person who—

- (a) contravenes any of the provisions of any order made under section 47(1)(b);
- (b) by means of radio communication, sends or attempts to send any message which, to his or her knowledge, is false or misleading and is, to his or her knowledge, likely to prejudice the efficiency of any safety of life, service or endanger the safety of any person, or of any vessel, aircraft or vehicle, and, in particular, any message which, to his or her knowledge, falsely suggests that a vessel or aircraft is in distress or is not in distress or not in need of assistance; or
- (c) otherwise than under the authority of the managing director either—
  - (i) uses any radio communication apparatus with intent to obtain information as to the contents, sender or addressee of any message (whether sent by means of radio communication or not) which he or she is not authorised to

receive; or (ii) except in the course of legal proceedings or for the purposes of any report thereof, discloses any information as to the contents, sender or addressee or any such message, being information which would not have come to his or her knowledge but for use of radio communication apparatus by him or her or by another person, commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

**70. Use, sale, etc. of apparatus in contravention of notice.**

Any person who, having been served with a notice under section 47, contravenes any of the provisions of the notice prior to its revocation by the managing director commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months.

**71. Damaging corporation property.**

Any person who—

- (a) wilfully destroys or damages any property used in connection with the telecommunications services provided by the corporation; or
- (b) interferes in any way with any apparatus used in connection with telecommunications services with the intention of preventing or obstructing the operation of those services,

commits an offence and is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

PART IX—MISCELLANEOUS.

**72. Protection of employees of the corporation.**

No act or thing done or omitted to be done by any member of the board or by any employee of the corporation shall, if done or omitted in good faith in the execution or purported execution of his or her duties as a member of the board or an employee of the corporation, render him or her personally liable to any civil action, civil suit or other civil proceedings in respect of that act or thing.

### **73. Compensation.**

(1) Where, in the exercise of the powers conferred by section 15, any damage is caused by the corporation to any person, no action or suit for compensation shall lie; but that person shall be entitled to compensation for the damage; except that no person shall be entitled to compensation—

- (a) for any damage suffered unless he or she would have been entitled to compensation otherwise than under this section;
- (b) for any damage suffered as a result of the use by the corporation of any works authorised under this Act unless the damage results from negligence in the use of the works; or
- (c) for any damage in respect of which it is expressly provided in this Act or any other written law that no compensation shall be payable.

(2) Where any person is entitled to compensation under this section and there is a dispute as to the amount of compensation, the person entitled to it or the managing director may refer the dispute to a single arbitrator who shall be appointed by the Chief Justice and whose decision shall be final.

### **74. Restriction on execution against property of the corporation.**

Notwithstanding any other written law, where any judgment or order has been obtained against the corporation, no execution by attachment and sale shall be issued against the property of the corporation but instead, the managing director shall cause to be paid out of the revenue of the corporation the amounts decreed in the court's judgment or order; except that execution by attachment and sale may be issued against the property of the corporation, other than installations and apparatus used for postal and telecommunications services and the buildings or structures within which they are situate, where the managing director fails to pay the decretal amount within six months from the date of judgment or order.

### **75. Service of notice, etc. on the managing director.**

Any notice or other document required or authorised under this Act to be served on the corporation may be served—

- (a) by its delivery to the managing director or any authorised employee;
- (b) by leaving it at the office of the managing director; or

- (c) by sending it by registered post to the managing director.

#### **76. Regulations.**

The Minister may, by statutory instrument, make regulations generally for better carrying out the provisions of this Act.

#### **77. Savings.**

(1) Until regulations are made by the Minister under this Act, all subsidiary legislation in force when this Act comes into operation, other than subsidiary legislation relating to pensions, gratuities or other superannuation benefits, made under the East African Posts and Telecommunications Corporation Act, and in particular, but without prejudice to the foregoing, the subsidiary legislation set out in the Schedule to this Act shall apply, with necessary modifications, as if that subsidiary legislation were made under this Act.

(2) Until a post office guide is published under this Act, the post office guide published under the East African Posts and Telecommunications Corporation Act shall continue in force as the post office guide published under this Act and may be amended and replaced accordingly.

**Subsidiary legislation under the East African Posts and  
Telecommunications Corporation Act.**

1. The East African Telegraph Regulations—L. N. No. 1 of 1970.
2. The East African Telex Regulations—L. N. No. 2 of 1970.
3. The East African Radio Communications Regulations—L. N. No. 3 of 1970.
4. The East African Radio Call Service Regulations—L.N. No. 4 of 1970.
5. The East African Citizens and Radio Regulations—L. N. No. 5 of 1970.
6. The East African Radio Communications (Limitation of Radio Interference) Regulations—L. N. No. 6 of 1970.
7. The East African Telephone Regulations—L.N. No. 7 of 1970.
8. The East African Telephone (Privately-Owned) (System) Regulations—L. N. No. 8 of 1970.
9. The East African Postal Regulations—L. N. No. 23 of 1970.

**History:** Act 3/1983; S.I. 47/1984.

**Cross References**

East African Posts and Telecommunications Corporation Act, Laws of the Community, 1970 Revision, Cap. 17.

See also the Schedule to this Act.