

Law No. (49) Of 2014 with respect to Postal Services

We, Hamad Bin Isa Al-Khalifa, King of the Kingdom of Bahrain;

Having reviewed the Constitution;

And the Legislative Decree No. (15) Of 1976 with respect to the promulgation of the Criminal Code, and its amendments;

And the Legislative Decree No. (24) Of 1982 concerning the approval on the Universal, Arab and Gulf Postal Conventions;

And the Legislative Decree No. (19) Of 2001 concerning the promulgation of the Civil Law;

And the Legislative Decree No. (10) Of 2002 concerning the approval of the unified Customs Law of the Gulf Cooperation Council;

And the Legislative Decree No. (46) Of 2002 concerning the promulgation of the Criminal Procedures Code;

And the Law No. (12) of 2011 concerning the ratification of the seventh additional protocol to the constitution of the Universal Postal Union, public order of the Universal Postal Union, the Universal Postal Convention and its final protocol approved by the 2004 Bucharest Summit;

The Shura Council and the Council of Representatives have approved the following law, which we hereby ratify and promulgate:

Preamble

Definitions

Article (1)

In the application of the provisions of this Law, the following terms shall have the meanings assigned thereto, unless the context otherwise requires:

“Ministry” means the Ministry of Transportation or any other Ministry designated by virtue of a decree;

Minister” means the Minister of Transportation or any other Minister designated by virtue of a decree;

Bahrain Post: the authority assuming the execution of the duties stipulated by the provisions of this law in the Ministry or any other authority designated by a virtue of a Decree;

Universal Conventions: Universal, Arab and Gulf postal conventions operable in the Kingdom;

Postal items: means all dispatches, such as letters, postcards, prints, literature for the blind and small packages, as well as parcels, postal orders and any other items that can be posted which are classified as follows:

- 1) **“Letters”** means all written materials for correspondence including local mail, land mail letters, airmail letters and cardboard, as well as acoustical materials such as discs, compact discs, tapes and any other means for saving information.
- 2) **“Postcards”** means any piece of cardboard bearing a photograph or picture whose right half or top is allocated for the address of the receiver, postage procedures and postage stamp, and whose left half or lower part is allocated for information to be written by the sender. Such postcard shall be sent without an envelope. Where any of the above characteristics are absent, the card shall be treated as a letter.
- 3) **“Prints”** means any newspapers, magazines, notebooks, hard-and soft-cover books, bulletins, commercial advertisements, musical scores, printing drafts, papers for fingerprints, photographs and paintings, albums, greetings and condolences cards, and advertisements written in prominent or carved letters, and all other similar items;
- 4) **“Literature for the blind”** means any papers written in prominent letters that assist the blind to learn how to read and write (Braille), or any audio recording or touch-sensitive papers intended for use by the blind;
- 5) **“Small parcels”** means small files containing valuable things, or papers, or documents having the status of personal correspondence but are not the same as printouts, and which are packaged in a manner that enables the contents to be seen;
- 6) **“Postal parcels”** means any parcel, box or bag, or things that are not handled as letters, used for the purpose of transporting and distributing commodities;
- 7) Any other items specified by virtue of a ministerial order.

Postage: Payment of due or specified fees against postal services through the following methods: adhesive or printed postage stamps on the item's cover; payment in cash in Bahrain Post Offices; marks of franking machines which are licensed to be used by the competent authority or any other means specified by the Minister.

Part One

Postal Services

Article (2)

- A) Subject to the provisions of paragraph (C) of this Article, Bahrain Post shall have the exclusive right to carry out the following activities throughout the Kingdom according to the provisions of this law and the international conventions, particularly:
1. Accepting, collecting, distributing and transporting various postal items to all parties through various and appropriate means;
 2. Issuing and printing postage stamps, money orders, reply coupons (IRCs) and postal orders of various categories, types and shapes;
 3. Opening and closing post offices throughout the Kingdom;
 4. Installing and removing letter deposit boxes;
 5. Organizing other postal services with the approval of the Minister
- B) Bahrain Post may, by virtue of a Ministerial Order, perform any services on behalf of the governmental bodies and private institutions against certain remuneration, subject to the terms and conditions agreed upon with the beneficiary of the services.
- C) Natural and juridical persons may be delegated to carry out all or part of the activities stated in clause (1) of paragraph (1) of this Article, by virtue of a ministerial order, according to the terms and conditions related to granting of a license, its renewal, cancellation and postal fees categories promulgated by virtue of a ministerial order upon the approval of the Council of Ministers.
- D) The Ministry has the right to practice all the powers required to organize the postal sector in the Kingdom under the supervision and direction of the Minister, particularly:
- 1) Follow the best way to protect the interests of the beneficiaries of the postal services and the licensees concerning the fees and charges imposed upon them as well as the availability of such services and quality thereof.
 - 2) Encourage fair and efficient competition amongst licensees.

3) Supervise and verify the extent of compliance with the provisions of this law and the orders issued in implementation thereof as well as the compliance of the licensees with the license terms.

4) Grant licenses for importing, selling and using postal franking machines as per the terms and conditions issued by a ministerial order.

Article (3)

Bahrain Post organizes the following matters in accordance with the international conventions:

- 1) How to receive and deliver each and every type of postal items.
- 2) Determine the duration of keeping the postal items, storage fees and collection.
- 3) Method of disposal of undelivered or undistributed postal items.
- 4) All other set procedures pursuant to international conventions on postal items.

Article (4)

It is prohibited to send, import or transfer the following materials inside all postal items:

- 1) Materials that may imperil postal employees by their contents or packaging, pollute or damage the other postal items or equipment or impede the implementation of the postal services.
- 2) Narcotic drugs; psychotropic, toxic substances and the like, particularly those prohibited by laws and regulations put into force in the Kingdom except those sent for medical or scientific reasons to parties that are officially licensed to deal with such materials by competent authorities;
- 3) Explosive, flammable and other hazardous materials;
- 4) Radioactive materials that are unprepared or unpackaged as required according to the guidelines of the International Atomic Energy Agency (IAEA) sent by persons or authorities that are duly licensed to deal with such materials by competent authorities;
- 5) Materials that involve an offence to the Islamic teachings, provoke dissension or sectarianism or are inconsistent with public order or morality;
- 6) Material banned from being imported, exported or traded in the Kingdom, as well as other materials that the competent authorities prohibit importing or exporting via post.

Article (5)

Should any evidence or circumstances make the employees at Bahrain Post believe that the postal item includes any materials mentioned here-above in Article (4) of this law, they shall submit a report on the event and refer it to the competent investigation authority, in order to take the necessary procedures.

Part Two

Confidentiality of the Postal Correspondence

Article (6)

Confidentiality of the postal correspondence is guaranteed, so it shall not be monitored, examined, revealed or checked unless in accordance with the procedures provided for by law.

Article (7)

Notwithstanding the provisions of Article (6) hereof, postal correspondence may be monitored and examined in the following instances:

- 1) Undelivered postal correspondence according to the provisions of the international conventions;
- 2) Postal correspondence which the judicial authority decides to examine for the purpose of conducting an investigation of a felony or misdemeanour;
- 3) Other cases where any other law authorizes examining or monitoring the contents of the postal correspondence.

Article (8)

It is neither allowed to examine the official papers or administrative books or documents neither related to Bahrain Post nor provide a copy thereof unless upon the request of the competent authority.

Article (9)

The judicial power shall return the postal correspondence to Bahrain Post with an indication thereon as having been unsealed by such judicial authority after fulfilling the purpose for which such item was requested.

Article (10)

The confidentiality of postal correspondence shall be deemed to have been violated in the following cases:

1. Intentionally reviewing its contents without license by any means in a manner inconsistent with the provisions of this law or the international conventions;
2. Divulging the contents of any correspondence deposited at Bahrain Post;
3. Giving information about, or a copy of official papers or administrative documents or books of Bahrain Post, or confirming delivery or receipt of any postal items in a manner other than those authorized by law.

Part Three Fees of Postal Services of Bahrain Post

Article (11)

Determination or amendment of the categories of postal fees for the provision of postal services shall be decided by a ministerial order upon the approval of the Council of Ministers.

Article (12)

The postal fees and charges on postal items shall be collected by one of the following means:

1. Printed or affixed postage stamps;
2. Postal marks made by franking machines authorized by Bahrain Post;
3. Cash paid at Bahrain Post offices;
4. Marks made by printing machines or other means officially authorized by Bahrain Post;
5. Postal subscriptions to items fixed by virtue of a ministerial order;
6. Any other means issued by a ministerial order.

Article (13)

The sender must settle the full fees of postal items and in case of non-payment or incomplete fees, Bahrain Post shall take one of the following measures:

- 1) Return the postal items to the sender for payment of the full amount of the postal fees in accordance with the provisions of the international conventions.
- 2) Making the sender or addressee incur the unpaid postage or make full payment in accordance with the provisions of the universal conventions.

Article (14)

Postal items that are exempted pursuant to international conventions shall be exempted from postal fees. A ministerial order shall specify such items along with their exemption method.

Article (15)

A ministerial order shall regulate the provisions of the issuance of licenses to sell postage stamps and determine the terms and conditions thereof.

Article (16)

Bahrain Post may collect the fixed customs duties on postal items and deposit the revenues of such duties for the account of the Customs as agreed upon between both parties.

Article (17)

- A) Without prejudice to the provisions of the international conventions, postal items that contain or may contain materials subject to import permits or customs duties shall undergo inspection and customs procedures.
- B) All postal items sent by mistake to the Kingdom or intended to be re-sent abroad shall be excluded from the provisions of clause (A) of this Article.

Part Four

Liability of Bahrain Post

Article (18)

Bahrain Post is not responsible for any loss or damage to any postal item which is exported by regular means or for any delay or error in its export or delivery.

Article (19)

- A) Bahrain Post shall be responsible for any loss or damage of the postal parcels and registered letters deposited by virtue of a deposit receipt. Compensation is paid according to the provisions of the international conventions in favour of the concerned party as per the following conditions:
 - 1) Where loss is not a cause of force majeure;
 - 2) Where loss or damage does not arise due to the sender's mistake or negligence or due to the nature of the content of the dispatched item;
 - 3) Where the contents of the postal items are not prohibited for export under Article (4) of this law.
 - 4) Where it is not seized by any competent authorities;
- B) The right of filing a lawsuit of compensation falls by the elapse of one year starting from the day following the date on which the postal items were deposited by virtue of a receipt.

Article (20)

- A) Any person to whom a postal item has been delivered by mistake or has found it shall return it to Bahrain Post forthwith.
- B) Bahrain Post is entitled to claim recovery of the postal item which was delivered by mistake or was unlawfully seized.

Part Five Penalties

Article (21)

Without prejudice to any severer penalty provided for in the Penal Code or any other code:

- A) A person who provides without license any postal services violating the provisions of clause (1) of paragraph (A) – Article (2) of this law shall be sentenced to imprisonment of a period not less than 3 months and not more than one year and to a fine not less than five thousand Dinars and not more than ten thousand Dinars or to both penalties. In case of conviction, the court may order to suspend the activity of the condemned person or close its firm for not more than one year, and if such person repeats the violation, the court may order to delete its registration from the Registry of Commerce.
- B) Any person who violates the provisions of clause (2) of paragraph (A) of Article (2) of this law shall be sentenced to imprisonment of not less than one year and to a fine not exceeding fifty thousand Dinars and not less than ten thousand Dinars.
- C) Any person any who violates the provisions of Articles (4) and (6) hereof shall be sentenced to imprisonment and to a fine of not more than ten thousand Dinars or to either penalty.
- D) A penalty of a fine not less than one thousand Dinars and not more than five thousand Dinars will be imposed upon any person who violates any of the provisions of clause (4) of paragraph (A), clause (4) of paragraph (D), Article (8) and Article (15) hereof.
- E) A sentence of a term of imprisonment of not more than three months and a fine of not more than five thousand Dinars or either penalty will be imposed upon any person who:
 - 1) Unlawfully impedes or delays transferring, distributing or delivering postal items;
 - 2) Unlawfully receives a postal item upon making false statements;
 - 3) Abstains from returning the postal item he had received by mistake;

- 4) Conceals, destroys, damages or tampers with a postal item thereby violating the provisions provided by law.
- 5) Trades in counterfeit or forged postage stamps in any way whatsoever knowingly;
- 6) Uses postal franking machines with the intention to falsify or counterfeit its marks;
- 7) Knowingly uses a postage stamp that was already used.

Article (22)

- A) Without prejudice to the criminal responsibility of natural persons, a juridical person is held criminally responsible for committing any crime stipulated under this law in its name, for its account and benefit, as a result of an act, a gross negligence, approval or concealment by any member of the board of directors, chairman or any other official within such juridical person or who carries out such duties.
- B) A juridical person is penalized by a double fine, in its minimum and maximum limits, which is set for that crime in accordance with the provisions of the law.

Part Six Conclusive Provisions

Article (23)

Employees of the competent authority shall have the power of the Judicial Officers - by virtue of an authorization by the Minister of Justice in agreement with the Minister - with regards to the crimes stipulated in the provisions of this law falling within their areas of specialization and which are related to their duties.

Article (24)

A substantiated decision issued by the Minister of Commerce may suspend the activity of any firm or close its business administratively for a period of not more than six months based on a substantiated recommendation of the Minister if it is confirmed that it has practiced any postal services stated in paragraph (A) of article (2) of this law without a license or in violation of the license terms.

The Minister of Commerce, upon coordinating with the Minister, will issue an order regarding the regulations and procedures of suspending the activity and closing the business administratively.

Article (25)

The provisions of the international conventions shall be applicable to any matter for which no particular provision has been provided in this law.

Article (26)

Individuals, companies and establishments that provide postal services at the time of coming into force of this law, shall adjust their positions to conform to the provisions herein within six months of the date on which the law comes into force.

Article (27)

Any provision contradicting with the provisions of this law shall be repealed.

Article (28)

The Minister will issue the necessary orders to implement the provisions of this law. The rules and regulations currently in force which is not inconsistent with this law shall stay in effect until the issuance of the orders referred to above.

Article (29)

The Prime Minister and the Ministers – each in his respective capacity, shall implement the provisions of this law which shall come into force on the day following the date of its publication in the Official Gazette.

**Signed: Hamad Bin Isa Al Khalifa,
King of the Kingdom of Bahrain**

Issued at Riffa Palace:

On: 16th Dhul Qeda, 1435 Hejra

Corresponding to: 11th September, 2104 A.D