

Postal and Telecommunications (Postal Services) (Amendment)
Regulations, 2023 (No. 3)

IT is hereby notified that the Minister of Information Communication Technology, Postal and Courier Services has, in terms of section 99 of the Postal and Telecommunications Act [*Chapter 12:05*], made the following regulations after consultation with the Authority:—

1. These regulations may be cited as the Postal and Telecommunications (Postal Services) (Amendment) Regulations, 2023 (No. 3).

2. The Postal and Telecommunications (Postal Services) Regulations, 2001, published in Statutory Instrument 238 of 2001, are amended in section 2 by the insertion of the following definitions—

““regional commercial courier service” means any courier service performed in respect of postal articles posted within the African region or received from a place within the African region into Zimbabwe;

“inter-city” means any courier service performed in respect of postal articles, posted from a designated town, city or district to another designated city, town or district and *vice versa*, through a designated route which shall cover not more than eight (8) cities, towns and service centres in between, within Zimbabwe;

“intra-city” means any courier service performed in respect of postal articles posted within any given city, town or rural district;

“rural district” means an area declared to be a district in terms of section 6 of the Rural District Councils Act [*Chapter 29:13*]”.

3. Section 4 is amended—

(a) by the insertion after paragraph (c) of the following paragraphs—

“(d) a commercial regional courier service licence;
or

(e) a commercial inter-city courier service licence;
or

- (f) a commercial intra-city courier service licence.”;
- (b) by the insertion of new subsection (2) and the earlier subsection becoming subsection (1):
- “(2) An intra-city licence is categorised into Class one and Class two in which case, Class one will be for courier service provided within a city or town area and Class two will be for courier service provided within a rural district area.
- (3) A Class two licence shall be required to pay a registration fee as provided in the Schedule.”.
4. Section 5 is amended—
- (a) by the repeal of subsection (1) and substitution of the following—
- “(1) An application for a licence specified in section 4 other than an intra-city Class two licence, shall be made in form PR 1 set out in the First Schedule and accompanied by the application fee set out in the Second Part to the First Schedule.”;
- (b) by the deletion of “referred to in paragraph (a) section 6” within the period specified by it in the notice” and the substitution of “set out in the Second Part to the First Schedule.”;
- (c) by the repeal of subsection (6) and substitution of the following—
- “(6) If an application for a licence specified in section 4, is granted by the authority, the authority shall forthwith issue to the successful applicant, the appropriate licence in a form determined by it.”.
5. Section 6 is repealed and is substituted with the following—
- “Licence fees and contributions*
- (1) An applicant for a postal licence and a licensee shall pay to the Authority the fees and contributions prescribed in the Second Part of the First Schedule.
- (2) Initial, renewal and other fees contained in the First Schedule, shall be payable as follows—

- (a) by foreign registered companies, foreign entities, and foreign individuals, in United States dollars;
- (b) partly in United States dollars and partly in Zimbabwe dollars, by companies incorporated in Zimbabwe and Zimbabwean entities, part of whose shares are owned by foreigners, with the percentage amount payable in United States dollars, being equivalent in percentage terms to the percentage of foreign shareholding and the percentage amount payable in Zimbabwe dollars, being equivalent to the percentage of Zimbabwean shareholding;
- (c) by companies incorporated in Zimbabwe and Zimbabwean entities, which are wholly owned by Zimbabwean citizens, or persons who are permanent residents of Zimbabwe, in Zimbabwe dollars.
- (d) by individual Zimbabwean citizens and permanent residents of Zimbabwe, in Zimbabwe dollars:

Provided that, subject to the Exchange Control Regulations in force in Zimbabwe at any given time, nothing contained in this Schedule, shall prevent any company incorporated in Zimbabwe, any Zimbabwean entity, any individual Zimbabwean citizen, or permanent resident of Zimbabwe, from paying the equivalent of any of the fees contained in this Schedule, in United States dollars, or any other major foreign currency acceptable to the Authority.

(3) Notwithstanding anything contained in these regulations, the prescribed percentage of Universal Service fees and all relevant payable percentage fees based on annual gross turnover of revenue generated, shall be payable in the currency in which the revenue was received by the licensee.”.

6. Section 7 is amended in subsection (1) —

- (a) by the deletion of paragraph (b) and the substitution of “international commercial courier service licence, be valid for ten years”;
- (b) by the insertion of the following paragraphs—
 - “(c) commercial regional courier service licence, be valid for ten years;

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- (d) commercial domestic courier service licence, be valid for ten years;
- (e) commercial inter-city courier service licence, be valid for ten years;
- (f) commercial intra-city courier service licence, be valid for ten years.”

- (c) by the insertion of the following subsections after subsection (2)—

“(2A) All licensees except a Class two licensee, shall pay an annual fee of two *per centum* of gross turnover, payable monthly on or before the 10th day of the following month.

(2B) Any balance or shortfall after the two *per centum* of gross turnover paid over the preceding months shall be payable within 90 days from the end of the financial year:

Provided that all payments shall be subject to authentication by an audit certificate.

(2C) A licensee shall pay an annual contribution of two *per centum* of monthly gross turnover as a direct contribution to the Universal Service Fund payable monthly on or before the 10th day of the following month.

(2D) Any balance or shortfall after the two *per centum* of gross turnover paid over the preceding months shall be payable within 90 days from the end of the financial year:

Provided that all payments shall be subject to authentication by an audit certificate.”.

7. Section 114 (“Conditions of acceptance of courier services”) is repealed and substituted with the following—

“114. Courier services articles may be accepted if—

- (a) in the case of contract service, the sender has complied with all the terms of the contract entered into in terms of section 112;

- (b) in the case of on demand service, the postal article—
 - (i) is handed in at a designated place on such days or during such hours or at such times as the postal licensee may fix; and
 - (ii) does not exceed 1,5 metres for any one dimension; and
 - (iii) does not exceed 3 metres for the sum for length and greatest circumference measured in a direction other than length; and
 - (iv) does not weigh more than 50kg; and
 - (v) bears or has affixed or attached thereto such labels and forms as the postal licensee shall require; and
 - (vi) is packed stoutly enough to withstand the pressures and friction to which postal articles are normally subjected in the course of transmission.”.

8. The First Schedule is amended by:

- (a) the insertion on the top right corner of “Form PR1;
- (b) the deletion of paragraph 3 and the substitution of—
 - “(3) Postal service applied for:
 - (a) Postal (General) Services Licence;
 - (b) Commercial International Courier Service Licence;
 - (c) Commercial Regional Courier Service Licence;
 - (d) Commercial Domestic Courier Service Licence;
 - (e) Commercial Intercity Courier Service Licence;
 - (f) Commercial Intra-city Courier Service Licence.”.

9. New Second Schedule and Third Schedule are inserted as follows and the existing Second and Third Schedules are renumbered as Fourth Schedule and Fifth Schedule, respectively.

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“SECOND SCHEDULE (*Section 6*)

POSTAL AND COURIER SERVICES LICENCE FEES

1. An applicant for a Postal (General) Service Licence and a licensee shall pay to the Authority the following fees—
 - (a) Application fee US\$250,00
 - (b) Initial or renewal fee payable on or before the issue of a licence or as may be determined by the Authority US\$100 000,00
2. An applicant for Commercial International Courier Services Licence and a licensee shall pay to the Authority the following fees—
 - (a) Application fee US\$250,00
 - (b) Initial or renewal fee payable on or before the issue of a licence or as may be determined by the Authority US\$50 000,00
3. An applicant for a Commercial Regional Courier Services Licence and a licensee shall pay to the Authority the following fees—
 - (a) Application fee US\$250,00
 - (b) Initial or renewal fee payable on or before the issue of a licence or as may be determined by the Authority US\$5 000,00
4. An applicant for a Commercial Domestic Courier Services Licence and a licensee shall pay to the Authority the following fees—
 - (a) Application fee US\$100,00
 - (b) Initial or renewal fee payable on or before the issue of a licence or as may be determined by the Authority US\$3 000,00
5. An applicant for a Commercial Inter-city Courier Services Licence and a licensee shall pay to the Authority the following fees—
 - (a) Application fee US\$100,00
 - (b) Initial or renewal fee payable on or before the issue of a licence or as may be determined by the Authority US\$1 000,00
6. An applicant for a Commercial Intra-city Courier Services Licence and a licensee shall pay to the Authority the following fees—

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- (a) Application fee (Class One) US\$100,00
 - (b) Initial or renewal fee payable on or before the issue of a licence or as may be determined by the Authority (Class one). US\$500,00
7. An applicant for a Commercial Intra-city Courier Services Certificate and a licensee shall pay to the Authority the following fees—
- (a) Registration fee (Class Two) US\$50,00

THIRD SCHEDULE

FORM PR2

REGISTRATION AS COMMERCIAL INTRA CITY COURIER SERVICES OPERATOR (CLASS 2)

1. NAME OF APPLICANT:

.....

2. PARTICULARS OF THE APPLICANT (NB: to include supporting documents e.g copy of ID and Proof of residence):

(a) Postal address:

.....

(b) Physical address:

.....

(c) Telephone:

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(d) E-mail:

.....

(e) Nationality:

.....

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3. COURIER SERVICE APPLIED FOR: INTRA-CITY (CLASS 2)

4. Scope of service (to include nature of service, premises, transport arrangements and customer assistance):

.....
.....

5. A written commitment of your business’s intention—

- To comply with the Postal and Telecommunications Act [Chapter 12:05] of 2000.
- To compensate customers, in case of damage and loss of goods.
- To deliver customer goods within the agreed delivery times.
- Not to participate in illegal activities in terms of local legal interpretation.

7. Has the applicant or any of its associate ever been censured, disciplined, penalised, suspended, prosecuted, convicted, warned as to conduct, investigated or subjected to proceedings by or at the instance of any governmental agency, regulatory authority or professional association within or outside Zimbabwe, whether in connection with its banking activities or otherwise? YES/NO. If yes, provide details.

8. Has the applicant or any of its associates ever been or is now the subject of any litigation, in Zimbabwe or elsewhere, which may have a material effect on its resources?

10. Has the applicant or any of its associates failed to satisfy within one year any judgment debt issued in Zimbabwe or elsewhere? YES/NO. If yes, provide details.

11. Has the applicant or any of its associates ever: been adjudged insolvent by a court, in Zimbabwe or elsewhere? (YES/NO); been served with an insolvency petition or petition for its compulsory winding-up within the last ten years in Zimbabwe or elsewhere? (YES/NO); made any compromise with its creditors? (YES/NO); had any liquidator, receiver of property or judicial manager (final or provisional) appointed in relation to its property? (YES/NO); instituted proceedings for its voluntary winding up within the last ten years in Zimbabwe or elsewhere? (YES/NO). If the answer to any of the questions is yes, provide details.

12. Declaration—

We, the undersigned applicants, do hereby certify that—

- (a) all information given in response to and in support of the questions of this application is true and correct to the best of our knowledge and belief;
- (b) this application is made in good faith with the purpose and intent that the affairs and business of the applicant will at all times be honestly conducted in accordance with good and sound business principles and in full compliance with all applicable laws and lawful directives from the Authority.

We further certify that to the best of our knowledge and belief there are no other facts or information relevant to this application of which the Authority should be aware, and we pledge to promptly inform the Authority of any changes material to this application which may arise while it is being considered by the Authority. We hereby authorise the Authority and any of its authorized staff to make an inquiry or obtain any information from any source for the purpose of determining the correctness of all representations made in connection with this application or of assessing its merits.

Applicant (print name):

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(Signature).....

Witness 1 (print name, ID number, residential address and phone number)

.....

(Signature).....

Witness 2 (print name, ID number, residential address and phone number)

.....

(Signature)

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Official Use Only

Registration feeReceipt No.

Recommended by.....Signature

Date

Approved by.....Signature

Date”

10. The Third Schedule is amended in item 6 by the deletion of
“10 kg and substitution of 30kg.”.