

DRAFT

COMMUNICATIONS (PROHIBITED AND RESTRICTED POSTAL ARTICLES) RULES 2022

IN EXERCISE of the powers conferred by sections 121 and 201(1) of the Communications Act, Cap 68:01 of the Laws of Malawi, the Malawi Communications Regulatory Authority (MACRA) does hereby make the following Rules:

PART I

PRELIMINARY PROVISIONS

1. Citation

These Rules may be cited as the Communications (Prohibited and Restricted Postal Articles) Rules 2022 and shall come into force upon publication in the *Gazette*.

2. Application

These Rules shall apply to all postal and courier services in Malawi.

3. Interpretation

In these Rules unless the context requires otherwise:

"**CITES**" means Convention on International Trade in Endangered Species of Wild Fauna and Flora;

"**IATA**" means International Air Transport Association.

"**Licencee**" means the holder of a postal service or courier service licence issued under the Act;

"post" means a system for collection, dispatching, conveying, handling and delivery of postal articles by or through public postal licensee;

4. Objective

The objective of these Rules to ensure that there is high Quality of Service of postal and courier services.

PART II

PROHIBITED GOODS

5. Prohibited Postal Articles

In addition to the postal articles prohibited under section 135 of the Act, a Licencee shall not permit to be sent through post-

- (a) any postal article sent in furtherance of a fraudulent act or with the intention of avoiding full payment of appropriate charges;
- (b) dangerous goods as defined by the IATA;
- (c) counterfeit or pirated articles;
- (d) articles which, by their nature or their packing, may expose officials or the general public to danger, or soil or damage other items, postal equipment or third-party property;
- (e) items prohibited at import into destination countries by CITES such as fur, ivory and ivory products;
- (f) coins and bank notes; or
- (g) any other article which is prohibited by the Laws of Malawi.

PART III

RESTRICTED GOODS

6. Live Animals

- (1) A Licencee shall not permit to be conveyed by post any live animal except as provided in these Regulations.
- (2) The following live animals may be conveyed by post only in exceptional circumstances between officially recognized institutions for purposes of control and biomedical research-
 - (a) bees;
 - (b) leeches;
 - (c) silk worms;
 - (d) fruit flies; or
 - (e) any other animal the Authority may allow from time to time.
- (3) A Licencee shall ensure that when conveying any live animals permitted under Sub Rule (2) above, the animals are packed into jars or special cases, particularly intended for this purpose, in order to avoid them being damaged or escaping from the packaging.
- (4) A Licensee shall ensure that a postal consignment containing live animals is marked with a special label saying “Attention - Live Animals.”

7. Narcotics and psychotropic substances:

A Licensee shall permit the conveyance through post of narcotics, illicit drugs and psychotropic substances as defined by the Pharmacy Medicines and Poisons Board, only if they are-

- (a) sent in small parcels; and

- (b) are addressed to countries that permit the mailing of the such articles for medical or academic purposes.

8. Hazardous/Dangerous Articles:

A Licencee shall not permit the following articles to be conveyed by post unless they have undergone a customs inspection and are sent as registered airmail:

- (a) infectious agents sent by research institutions that have been approved by the Malawi Government;
- (b) disarmed explosive devices, military ammunition (including disarmed grenades, shells, etc.) and replicas for use by official security services.

PART IV

ENFORCEMENT

9. Regulatory Sanctions

- (1) Where a Licencee fails to comply with these Rules, the Authority may make one or more of the following orders—
 - (a) issue a compliance order;
 - (b) issue a cease and desist order;
 - (c) issue impose a fines;
 - (d) issue a warning;
 - (e) suspend a licence;
 - (f) revoke the licence; or
 - (g) make any other order considered appropriate.

10. General Penalty

Any person who fails to comply with a provision of these Rules commits an offence and shall upon conviction be liable to imprisonment for three months.

Made this day of 2022.

Stanley Khaila Ph.D.
Chairperson

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