[[1]](#footnote-1)\*

[[2]](#footnote-2)\*\*



**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 legislative decree no. (15) Of 1978 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 convention,

And Legislative Decree No. (19) of 2001 with respect to promulgating the civil code,

And the legislative decree no. (10) of 2002 concerning the approval of the united customs law of the 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 of representatives has approved the following law, which we hereby ratify and promulgate:

**Preamble**

**Definitions**

**Article (1)**

In the application of the provision of this law the following terms shall have the meanings assigned thereto unless the context otherwise requires:

**Ministry**: means Ministry of Transportation or any other ministry designated by virtue of a decree.

**Minister**: means the Minister of Transportation or any other ministry 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 decree.

**Universal Conventions:** the Universal, Arab and Gulf postal conventions operable in the kingdom.

**Postal items**: means all postal dispatches such as letters, postcards, Prints, literature for the blind, 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 used for corresponding, including local, land, and air mail, as well as cardboard letters and audio materials such as discs compact, discs tapes and any other media for storing information
2. **Postcards** means any piece of cardboard bearing a photograph or picture whose right half or top part is allocated for the address of the receiver and 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, and where any of the above characteristics are absent the card shall be treated as a letter.
3. **Print:** means any newspaper, magazine, notebook, hard-and soft-cover books, bulletins, commercial advertisements, musical scores, printing drafts, papers for fingerprint, photographs and printing albums, greeting 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 with prominent letters for the use of those who are blind in order to read and write (braille), or any audio recording or touch sensitive papers intended for use by the blind.
5. **Small parcels**: means small folders containing valuable things or papers or document having the status of personal correspondence and 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 parcels box or bag containing products or other things that do not have a the status of correspondence, which have the purpose of transporting and distributing commodities
7. Any other items specified by virtue of a ministerial order

**Postage**: payment of fees due or specified on the postal service, either with postage stamps affixed to or printed on its cover or paid in cash at Bahrain post offices or with seals of franking machines which are licensed to be used by the competent authority or any other methods specified by the minister .

**PART ONE**

**POSTAL SERVICE**

**Article (2)**

1. Subject to the provisions in paragraph (c) of this Article, Bahrain post shall have the exclusive right to carry out the postal activities throughout the Kingdom according to the provisions of this law and the Universal Conventions, particularly:
2. Accepting, collecting, distributing and transporting various postal item to all parties through various and appropriate means.
3. Issuing and printing postage stamps, money orders, reply coupons (IRCs) and postal orders of various categories types and shapes.
4. Opening and closing post offices throughout the kingdom.
5. Opening and removing letter deposit boxes.
6. Organizing other postal services with the approval of the minister.
7. Bahrain post may by virtue of a ministerial order perform any services for any government bodies and private institutions against certain remuneration subject to the terms and conditions agreed upon with the beneficiary of the service.
8. A natural and legal person 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 the 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 minister.
9. The ministry has the right to exercise all the necessary powers required to regulate the postal sector in the Kingdom under the supervision and direction of the minister, particularly:
10. Follow the best way to protect the interest of the beneficiaries of the postal services and the licensees concerning the fees and charges imposed upon them as well as the availability and quality of such services..
11. Encourage fair and efficient competition amongst licensees.
12. Supervise and verify the extent of compliance with the provisions of this law and any orders issued in implementation thereof as well as the compliance of the licensees with the license terms.
13. 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 universal 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 universal conventions on postal items

**Article (4)**

 It is prohibited to send, import or transport the following materials inside any postal items:

1. Materials that by their nature or content or packaging may endanger postal employees, or may pollute or damage other postal items or equipment, or may impede the implementation of the postal services.
2. Narcotic drugs, psychotropic substances, toxic substances and other prohibited substances which are prohibited by laws and regulations in 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 not properly prepared of packaged in accordance to the guidelines of the International Atomic Energy Agency (AEA), sent by persons or authorities that are duly licensed to deal with such materials by competent authorities.
5. Materials that is offensive to that Islamic teachings, provoke 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 material that the competent authorities prohibit importing and 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 in Article (4) of this law they shall submit a report on the incident to the competent investigation authority in order to take the necessary action.

**PART TWO**

**CONFIDENTIALITY OF THE POSTAL CORRESPONDENCE**

**Article (6)**

 Confidentiality of the postal correspondence is guaranteed, it shall not be monitored, examined, revealed, or seized expect in the circumstances and in the procedures prescribed by the law.

**Article (7)**

Notwithstanding the provisions of Article (6) of this law, postal correspondence may be monitored and examined in the following instances.

1. Undelivered postal correspondence according to the universal conventions.
2. Postal correspondence which the judicial authority decides to examine for the purpose of conducting an investigation of a felony or misdemeanor.
3. other cases where any other law authorizes examining or monitoring the contents of the postal correspondence.

**Article (8)**

It is not allowed to examine the official papers or administrative book or documents related to Bahrain post nor provide a copy thereof unless upon the competent authority.

**Article (9)**

The judicial power shall return the postal correspondence to Bahrain post with an indication thereon as having been unseated by such judicial authority 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 content without license by any means in a manner inconsistent with the provisions of the law or the universal 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 the law.

**PART THREE**

**FEES OF POSTAL SERVICE OF BAHRAIN POST**

**Article (11)**

 Determination or amendment of the categories of postal fees for the 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 item shall be collected by one of the following means:

1. Printed or affixed postage stamps
2. Postal marks made by franking machines or authorized by Bahrain post
3. Cash paid at Bahrain post office
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. In the event 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 universal 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 universal conventions shall be exempted from postal fees and a ministerial order shall be issued to specify such items along with the exemption method.

**Article (15)**

A ministerial order shall regulate the provisions of the issuance of license to sell postage stamps and determine the terms and condition.

**Article (16)**

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

**Article (17)**

1. Without prejudice to the provisions of the universal conventions, postal items that contain materials subject to import permits or customs duties shall undergo inspection and customs procedures.
2. 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)**

1. Bahrain post shall be responsible for any loss or damage of the postal parcels and requested letters deposited by virtue of deposit compensation is paid according to the provisions of the universal conventions in favor of the concerned party as per the following conditions:
2. Where the loss is not a cause of force majeure.
3. Where the loss or damage dose not arise due to the senders mistake or negligence or due to the nature of the content of the dispatched item.
4. Where it is not seized by any competent authorities.
5. The right to file a lawsuit for compensation shall be terminated by the end of one year from the day following the fixed date in the receipt of the deposit.

**Article (20)**

a) Any person to whom postal item has been delivered by mistake or has found it shall send 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 a severer penalty provided for in the penal code or any other law:

1. Any person without a license who provides postal services that violate the provisions of clause (1) of paragraph (a) of 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.
2. Any person who violates the provisions of clause (2) of paragraph (a) of Article (2) of the 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
3. Any person any who violates the provisions of Article (4) and (6) hereof shall be sentenced to imprisonment or to a fine of not more than ten thousand dinars or to either of these penalties.
4. 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 provisions of clause (4) of paragraph (a) clause (4) of paragraph (d) of Article (2) and Article (8) and Article (15) hereof.
5. A sentence of a term of imprisonment of not more than three month and a fine of not more than five thousand dinars, these penalties will be imposed upon any person who:
6. Unlawfully impedes or delays transferring distributing or delivering postal items.
7. Unlawfully receives a postal item upon making false statements.
8. Abstains from returning the postal item he had received by mistake.
9. Conceals, destroys, damages or tempers with a postal item thereby violating the provisions provided by law.
10. Trades in counterfeit or forged postage stamps in any way whatsoever knowingly.
11. Uses postal franking machines with the intention to falsify or counterfeit its marks.
12. Knowingly uses a postage stamp that was already used.

**Article (22)**

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

**Article (24)**

A 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 minster 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 terms of the license. The minister of commerce, upon coordinating with the minister, will issue an order regarding and procedures of suspending the activity and closing the business administratively.

**Article (25)**

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

**Article (26)**

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

**Article (27)**

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

**Article (28)**

The minister will issue the necessary orders to implement the provisions of the law, the rules and regulations currently in force that are inconsistent with this law shall stay in effect until the issuance of the order 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 16 dhul qeda 1435 hejri

corresponding to11 September 2104 a.d

1. \* This copy is translated by Bahrain Economic Development Board (EDB) as per the provisions in force up to January 2019. [↑](#footnote-ref-1)
2. \*\*This is an unofficial translation and in the event of any conflict or discrepancy between the English text and the Arabic text, the Arabic text shall prevail. [↑](#footnote-ref-2)