

CHAPTER 303

THE TANZANIA POSTS CORPORATION ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 303

THE TANZANIA POSTS CORPORATION ACT

An Act to establish the Tanzania Posts Corporation and to provide for other matters related thereto.

[1st January, 1994]

[s. 1]

Acts Nos.	GN. No.
19 of 1993	845 of 2019
12 of 2003	
6 of 2021	

PART I PRELIMINARY PROVISIONS

Short title	1. This Act may be cited as the Tanzania Posts Corporation Act.
Interpretation Acts Nos. 12 of 2003 s. 79 6 of 2021 s. 53	2. In this Act, unless the context otherwise requires- “assets” includes all property movable or immovable and all estates, easements and rights whether equitable or legal in, to or out of property, choses in action, money and goodwill; “Authority” means the Tanzania Communications Regulatory Authority; “Corporation” means the Tanzania Posts Corporation established by section 3; “former Corporation” means the Tanzania Posts and Telecommunications Corporation established by the Tanzania Posts and Telecommunications Act; “liabilities” means liabilities, debts, charges, duties and obligations of every description, whether present or future, actual or contingent, and whether payable to be observed or performed in the United Republic or elsewhere;
Act.No. 15 of 1977	

“Minister” means the Minister responsible for postal matters;
 “Ministry” means the Ministry for the time being responsible for postal matters;
 “rights” means all right, powers, privileges and immunities, whether actual, contingent or prospective;
 “Postmaster General” means the Postmaster General of the Corporation appointed under section 6;
 “vesting date” means the date on which assets, rights and liabilities in respect of postal services, to which the former Corporation was entitled or subject to, are transferred to and vested in the Corporation as specified by the Minister in the notice made under section 4 of the Tanzania Posts and Telecommunications (Vesting of Assets and Liabilities Act).

Cap. 305

PART II

THE TANZANIA POSTS CORPORATION

Establishment of Corporation **3.**—(1) There is established a corporation to be known as the Tanzania Posts Corporation.

(2) The Corporation shall be a body corporate and shall-

- (a) have perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued;
- (c) be capable of purchasing and alienating any movable or immovable property; and
- (d) have power to exercise and perform such other powers and functions as are conferred by or under this Act.

Role of Minister
 Act No.
 6 of 2021 s. 54

4.—(1) The Minister shall be responsible for the general direction and control of the postal sector in the country and shall in particular-

- (a) co-ordinate and determine postal sector policies;
- (b) liaise between the industry and the Government;
- (c) secure the issuing of postal regulations by the Authority;

- (d) in consultation with the Minister responsible for finance determine the capital structure of the Corporation;
- (e) appoint the Board of Directors;
- (f) recommend to the President on the appointment of the Chairman of the Board of Directors; and
- (g) lay the annual accounts and reports before Parliament.

(2) The Minister may, after consultation with the Board, give to the Corporation any directions he thinks fit as to the exercise of its functions under this Act.

(3) Without prejudice to subsection (2), if it appears to the Minister to be requisite or expedient to do so-

- (a) on the occurrence of any public emergency, in the public interest or in the interests of the public security, national defence, or relations with the government of another country; or
- (b) in order-
 - (i) to discharge or facilitate the discharge of an obligation binding on the Government by virtue of its being a member of an international organisation or a party to an international agreement;
 - (ii) to attain or facilitate the attainment of any other object the attainment of which is in the opinion of the Minister requisite or expedient in view of the Government being a member of such an organisation or a party to such an agreement; or
 - (iii) to enable the Government to become a member of such an organisation or a party to such an agreement,

he may, after consultation with the Corporation, give such directions as are necessary in the circumstances of the case.

(4) Any direction given under subsection (2) or (3) may include-

- (a) provision for the interception or determination of any postal article in the course of transmission by post; and

(b) provision for the postal article to be delivered to any officer mentioned in the direction to be dealt with in such manner as the Minister may direct.

(5) Notwithstanding any other duty imposed on the Corporation by this Act, the Corporation shall give effect to any directions given under subsection (2) or (3).

(6) The Corporation shall not disclose any directions given under subsections (2) and (3) where the Minister has notified the Corporation that he is of the opinion that the disclosure of the directions is against public interest.

(7) The Minister may-

(a) pay compensation for any damage caused to the Corporation by reason of its compliance with the directions of the Minister under subsection (2) or (3); and

(b) make grants to the Corporation for defraying or contributing towards any losses which the Corporation may sustain by reason of compliance with the directions of the Minister under any other provision of the Act.

(8) Where any doubt arises as to the existence of public emergency or as to whether any act done under this section was in the public interest or in the interest of public security, national defence or relations with the government of another country, a certificate signed by the Minister shall be conclusive evidence of the matters stated therein.

Board of
Directors
Act No.
6 of 2021 s. 55

5.-(1) There shall be a Board of Directors of the Corporation which shall, subject to the provisions of the Act, carry out the functions and manage the affairs of the Corporation.

(2) There shall be a Chairman of the Board of Directors who shall be appointed by the President.

(3) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Board and in respect of matters relating to the Board.

(4) The Minister may, on the recommendation of the Corporation and by order published in the *Gazette*, vary or replace all or any of the provisions of the Schedule to this Act.

(5) The members of the Board shall be entitled to such remuneration, fees or other allowances for expenses as may be determined under the Treasury Registrar (Powers and Functions) Act.

Cap. 370

Appointment
of Postmaster
General
Act No.
6 of 2021 s. 56

6.—(1) The President shall appoint a Postmaster General of the Corporation who shall be the Chief Executive Officer of the Corporation.

(2) A person shall be eligible for appointment as Postmaster General if such person-

- (a) is a holder of at least a masters degree from a recognised university or its equivalence in management, law, economics, finance or engineering; and
- (b) has experience of at least five years in senior managerial position in one or more of the fields referred to in paragraph (a) or other relevant sectors.

(3) The Postmaster General shall hold office for a term of five years and may, subject to satisfactory performance, be eligible for reappointment for one further term.

Powers, duties
and functions of
Board
Act No.
6 of 2021 s. 57

7.—(1) It shall be the general duty of the Board, by means of the undertaking of the Corporation, to provide postal services within the United Republic.

(2) The performance of the general duty referred to in subsection (1) shall include a general duty 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 the provisions of this Act; and

(d) that the Corporation provides for all reasonable facilities for transaction, transmission and delivery of postal, logistic, electronic, agency, financial and other services as it may deem fit.

(3) In the performance of its duties under subsections (1) and (2) and subject to any directions which may be given to it by the Minister under section 5, the Board may-

- (a) approve the development programme of the Corporation;
- (b) approve the annual and any revised budget of the Corporation;
- (c) decide where monies of the Corporation should be invested;
- (d) approve all monies to be borrowed by the Corporation;
- (e) approve major and policy decisions;
- (f) appoint such number of employees of the Corporation as it may consider necessary in the proper and efficient conduct of the business and activities of the Corporation;
- (g) approve salaries and other allowance or benefits to employees of the Corporation;
- (h) regulate terms of employment and grant gratuities and establish superannuation or medical schemes for employees of the Corporation;
- (i) establish from amongst its members committees for the purposes of the Corporation and delegate functions to those committees;
- (j) give general directions to management for the administration of the Corporation; and
- (k) approve tariffs.

PART III

RESPONSIBILITY OF THE CORPORATION

Functions of
Corporation
Act No.
6 of 2021 s. 58

- 8.**-(1) The principal functions of the Corporation shall be-
- (a) to provide a national postal service within the United Republic and between places outside the United Republic;

- (b) to meet the industrial, commercial, social and household need of the nation for comprehensive and efficient postal services and so far as the Corporation considers reasonably practicable, to satisfy all reasonable demands for such services throughout the United Republic;
- (c) to provide financial and agency services by means of electronic money transfer, currency exchange or such other means as may be appropriate to the Corporation;
- (d) to provide counter services for the Corporation's own and Government business and provided that they are compatible with those services and with other principal objects set out in this subsection, for other as the Corporation thinks fit; and
- (e) to perform any function relating to the operations and provision of universal postal services in the United Republic.

(2) This section shall not prevent or restrict the inclusion among the objects of the Corporation of such objects and powers as are reasonably necessary or proper or incidental or ancillary to the due attainment of the principal objects stated in subsection (1) and are not inconsistent with this Act.

(3) The Corporation shall have power to do anything which appears to it to be requisite, advantageous or incidental to, or which appears to it to facilitate, either directly or indirectly, the performance of its functions as specified in this Act and not inconsistent with any enactment for the time being in force.

(4) In the performance of its functions, the Corporation may employ new digitally-powered strategies where there is a connected network in order to deliver services to the end customers through digital channels.

General duty of Corporation

9.-(1) It shall be the general duty of the Corporation to conduct the Corporations affairs so as to ensure that-

- (a) charges for services are kept at the minimum rates consistent with meeting the approved financial targets; and

- (b) revenues of the Corporation are sufficient to-
 - (i) meet all charges properly chargeable to revenue account including depreciation of assets and proper allocation to general reserve, taking one year with another;
 - (ii) generate a reasonable proportion of capital needs; and
 - (iii) remunerate capital and repay borrowings.

(2) Section 8 or this section shall not be construed as imposing on the Corporation, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.

PART IV

VESTING OF ASSETS AND LIABILITIES

Property, assets, rights and liabilities vested in Corporation

10. The property, rights and liabilities in respect of postal services to which the former Corporation was entitled or subject to, immediately before (and after) the vesting date shall be vested in the Corporation in accordance with the provisions of the Tanzania Posts and Telecommunications Corporation (Vesting of Assets and Liabilities) Act.

Cap. 305

PART V

CAPITAL OF THE CORPORATION

Authorised capital Act No. 6 of 2021 s. 59

11.-(1) The initial authorised capital of the Corporation shall be at least two times such a sum as shall be sufficient to meet-

- (a) the level of the total investment already undertaken in the former Corporation, or its predecessors relating to postal services;
- (b) capital investment planned during the short and long terms in the Corporation; and
- (c) working capital.

(2) The Corporation shall have power to increase the level of the authorised capital subject to obtaining prior approval of the Treasury Registrar and the Minister.

(3) The authorised capital of the Corporation shall be such an amount and of such nominal value as shall be determined by the Corporation in consultation with the Treasury Registrar and the Minister.

Issued capital

12.—(1) As a consequence of the vesting in the Corporation of assets and liabilities relating to the postal services of the former Corporation, the Corporation shall issue securities equal to-

- (a) the total revalued assets relating to the postal services of the former Corporation less, any loans;
- (b) investment which shall be undertaken by the Corporation under the five year development programme which will be met by subscriptions from the Government; and
- (c) working capital which shall be required to sustain the operations.

(2) The issued capital as determined under subsection (1) shall be allotted to the Treasury Registrar.

(3) The Corporation may incorporate any subsidiary company wholly or partly owned by the Corporation which shall have a share capital which shall be determined by the Corporation.

Capital
Contribution
Fund

13.—(1) There is established a Fund to be known as a Capital Contribution Fund.

(2) The Corporation shall have power to levy a capital contribution levy as a percentage of the tariff charged for the services being offered by the Corporation, after obtaining prior approval of the Minister responsible for finance and the Minister.

(3) The levy so charged shall be accumulated in the Capital Contribution Fund, and shall be used for meeting development expenditure, or for any other specific purpose as shall be determined by the Corporation.

(4) The amount standing on the credit of the Capital Contribution Fund account may be transferred to capital account to be converted into securities to be issued to the Government.

Dividends
Act No.
6 of 2021 s. 60

14.—(1) The Corporation may, upon consultation with the Minister, declare a dividend of such amount as shall be recommended by the Board of Directors and approved by the Treasury Registrar.

(2) Before recommending any dividend, the Directors may set aside out of profits any amount as reserves, to be applied for any purpose for what the profits of the Corporation may be applied.

Capitalisation of
profits

15. The Corporation may resolve that it is desirable to capitalise any sum for the time being standing to the credit of any reserve account or profit and loss account or otherwise available for distribution and that such sum be applied in issuing bonus shares to the Government.

PART VI MISCELLANEOUS PROVISIONS

Budget approval
Act No.
6 of 2021 s. 61
Cap. 439

16. Subject to provisions of the Budget Act, the Postmaster General shall, in not less than three months before the end of each financial year, prepare and submit to the Board of Directors a budget estimate of income and expenditure for the following year.

Accounts and
audit
Act No.
6 of 2021 s. 61
Cap. 257

17.—(1) The Corporation shall maintain accounting records as are required to comply with the requirements of this Act.

(2) The provisions of the Public Corporations Act shall apply to the Corporation with respect to annual reports, accounts, audit, financial supervision and laying of reports before the National Assembly.

Powers to make regulations
Act No.
6 of 2021 s. 62

18.—(1) The Minister may make regulations for the better carrying out of any of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for the better carrying out of postal digital services.

SCHEDULE

(Made under section 5(3))

COMPOSITION AND CONSTITUTION OF THE BOARD

Composition
GN. No.
845 of 2019
para. 2

1.—(1) The Board shall consist of-

- (a) a Chairman to be appointed by the President; and
- (b) not less than four nor more than six members to be appointed by the Minister.

(2) The Minister shall appoint one among the members to be a Vice Chairman of the Board.

(3) In the absence of a Chairman and Vice Chairman in a meeting, members shall appoint one member among themselves to chair the meeting of the Board.

(4) The members, who shall work on a part time basis, shall hold office for a period of three years and may be re-appointed for such further period as the appointing authority may determine unless their appointment is sooner terminated by the appointing authority or the member ceases in any way to be a member.

(5) For purposes of subparagraph (4), members of the Board of the Corporation as of 1st July, 2019 shall be deemed to have been appointed for a term of three years from the date of appointment.

(6) The Corporation Secretary shall be the Secretary to the Board and may take part in the proceedings of the Board but shall have no right to vote.

Meetings of Board
GN. No.
845 of 2019
para. 3

2.—(1) The Board shall ordinarily meet for the transaction of business at the times and places as it may decide, but shall meet at least once every three months.

(2) The Chairman or, in his absence, the Vice Chairman, shall preside at all meetings of the Board.

(3) The Chairman or in his absence the Vice Chairman, may at any time call a special meeting of the Board, upon request by a majority of the members in office.

(4) Decisions of the Board shall be made by a simple majority of members present and voting and in the event of an equality of votes, the Chairman or other person presiding shall have a second or casting vote.

(5) The quorum at any meeting of the Board shall be four, one of whom shall be the Chairman or, in his absence, the Vice Chairman.

(6) The Board may at any time co-opt any person to act as an advisor at its meeting, but such person shall not be entitled to vote at the meeting.

(7) Any member who has any financial or other interest, whether direct or indirectly, in any undertaking being the subject matter of any decision before the Board, shall disclose in writing to the Board the nature of his interest and shall not participate in the discussion or decision of the Board relating to the matter.

(8) Any member who fails or refuses to disclose his interest under subparagraph (7) of this paragraph, commits an offence and on conviction shall be liable to be removed from the Board and to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.

(9) Subject to the preceding provisions, the Board shall regulate its own proceedings.

Committees of Board

3. The Board may, on such terms and conditions as it may determine, appoint such Committees as it may consider necessary to perform such functions or advise the Board on such matters as the Board may direct.

Remuneration of members and staff
GN. No.
845 of 2019
para. 4

4. The members of the Board and the staff of the Board shall be paid such allowances as the Board may, with prior consent of the Treasury Registrar determine.

Termination of member of Board
GN. No.
845 of 2019
para. 5

5.-(1) A member of the Board may, at any time, resign from office by thirty days' notice in writing delivered to the Minister.

(2) The Minister may terminate membership of a member of the Board-

- (a) where information relating to the conduct of a member, which could have precluded his appointment if it had been made available to the Minister, is brought to the attention of the Minister;
- (b) for incompetence;
- (c) for misbehaviour or misconduct;
- (d) for absence from or non-attendance of three consecutive meetings of the Board without giving notice of absence;
- (e) for failure to disclose, at a Board meeting, a matter in which he has an interest;
- (f) for inability to perform the functions of his office arising from infirmity of body or mind; or

- (g) where the member has been convicted of an offence and sentenced to imprisonment by a competent court in Tanzania or outside Tanzania.

Minutes of proceedings
GN. No.
845 of 2019
para. 5

6.—(1) The Board shall cause to be recorded and kept minutes of all proceedings of its meetings, and the minutes of each meeting shall be confirmed by the Board at the next meeting and signed by the person chairing the meeting.

(2) When confirmed pursuant to subparagraph (1), the minutes shall be *prima facie* evidence in any court or inquiry that the proceedings recorded in the minutes were the proceedings and decision of that meeting.

Validity of proceedings
GN. No.
845 of 2019
para. 5

7. The validity of any act or other proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

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