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POST OFFICE ACT**Principal Act**

Act. No. 1961-10		<i>Commencement</i>	30.6.1961
		<i>Assent</i>	29.6.1961
Amending enactment	Relevant current provisions	Commencement date	
Act. 1971-19 GN. 1975/0078	ss. 29-31, 34		
Act. 1981-17 1988-01	s. 5(5) s. 48A(1), (2)		4.4.1988

English sources

Post Office Act 1953(1 & 2 Eliz.2 c.36)

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AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE POST OFFICE.

Short title

1. This Act may be cited as the Post Office Act.

Interpretation.

2.(1) In this Act, unless the context otherwise requires—

"commander", in relation to an aircraft, includes the pilot or other person in charge of the aircraft;

"customs duty" means any sum payable in relation to the import or export of anything into or from Gibraltar;

"Director" means the Director of Postal Services;

"foreign", in relation to any postal packet, means either posted in Gibraltar and sent to a place outside Gibraltar, or posted in a place outside Gibraltar and sent to a place within Gibraltar, or in transit through Gibraltar to a place outside Gibraltar;

"local", in relation to any postal packet or any description thereof, means posted within Gibraltar and addressed to some place in Gibraltar, and "local postage" means 'the postage chargeable on a local postal packet;

"mail" includes every conveyance by which postal packets are carried, whether it be a ship, aircraft, vehicle, horse, or any other conveyance, and also a person employed in conveying or delivering postal packets;

"mail bag" includes a parcel, an envelope and any form of container or covering in which postal packets in course of transmission by post are conveyed, whether or not it contains any such packets;

"master", in relation to a ship, includes every person (except a pilot) having command or charge of the ship, whether the ship is a ship of war or other ship;

"officer of the Post Office" includes the Director and any person employed in the business of the Post Office under the Director for the purposes of this Act;

- "parcel" means any postal packet defined as a parcel by regulations;
- "postage" means the duty chargeable for the transmission of postal packets;
- "postal packet" means a letter, postcard, reply postcard, newspaper, printed packet, sample packet, or parcel, and every packet or article transmissible by post;
- "post office" includes any house, building, room, vehicle or place used for the purposes of the Post Office, and any post office letter box;
- "post office letter box" includes any pillar box, wall box, or other box or receptacle provided by the permission or under the authority of the Director for the purpose of receiving postal packets, or any class of postal packets, for transmission by or under the authority of the Director;
- "public service vehicle", in relation to Gibraltar, means a public service vehicle within the meaning of the Traffic Act;
- "regulations" means regulations made under this Act;
- "ship" includes any boat or vessel whatsoever;
- "the purposes of the Post Office" includes any purpose relating to or in connection with the execution of any duties for the time being undertaken by the Director or any of his officers;
- "valuable security" has the same meaning as in the Criminal Offences Act and includes anything which is a valuable security within the meaning of that Act and any part of such a thing.
- (2) For the purposes of this Act—
- (a) a postal packet shall be deemed to be in course of transmission by post from the time of its being delivered to any post office to the time of it being delivered to the addressee;
 - (b) the delivery of a postal packet of any description to a letter carrier or other person authorized to receive postal packets of that description for the post or to an officer of the Post Office to be dealt with in the course of his duty shall be a delivery to a post office;

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- (c) the delivery of a postal packet at the premises to which it is addressed or redirected, or to the addressee's servant or agent or to some other person considered to be authorized to receive the packet, shall be a delivery to the addressee.

(3) Except in so far as the context otherwise requires, any reference in this Act to any other law shall be construed as a reference to that law as amended by or under any other law, including this Act.

(4) A reference in any law other than this Act to a post letter shall be construed as a reference to a postal packet within the meaning of this Act.

PART I- DIRECTOR'S PRIVILEGE

Exclusive privilege of Director.

3.(1) Subject to the provisions of this section, the Director on behalf of the Governor, shall within Gibraltar have the exclusive privilege of conveying from one place to another, and of performing all the incidental services of receiving, collecting, despatching and delivering, all letters:

Provided that, subject to compliance with such terms, conditions and restrictions as the Director thinks fit and to the concurrence of the Financial and Development Secretary, the Director may either generally or in the case of any particular person authorize:-

- (a) letters to be sent, conveyed and delivered otherwise than by post;
- (b) the collection of letters otherwise than by an officer of the Post Office, whether to be despatched by post or otherwise.

(2) Nothing in subsection (1) shall make unlawful-

- (a) the conveyance and delivery of a letter personally by the sender thereof;
- (b) the sending, conveyance and delivery of a letter by means of a private friend who himself delivers that letter to the addressee;
- (c) the sending, conveyance and delivery of a letter concerning the private affairs of the sender or addressee thereof by means of a messenger sent for the purpose by the sender of the letter;

- (d) the sending, conveyance and delivery otherwise than by post of any document issuing out of a court of justice or of any return or answers thereto;
- (e) the sending and conveyance of letters from merchants who are the owners of a merchant ship or commercial aircraft, or of goods carried in such a ship or aircraft, by means of that ship or aircraft and the delivery thereof to the addressee by any person employed for the purpose by those merchants, so, however, that no payment or reward, profit or advantage whatsoever is given or received for the conveyance or delivery of those letters;
- (f) the sending, conveyance and delivery of letters by land by means of a common carrier, being letters concerning and for delivery with goods carried by him, so, however, that no payment or reward, profit or advantage whatsoever is given or received for the conveyance or delivery of those letters:

Provided that nothing in this subsection shall authorize any person to make a collection of letters for the purpose of their being sent or conveyed in any manner authorized by this subsection.

(3) Notwithstanding anything in subsection (2) the following persons are expressly forbidden to carry a letter or to receive, collect or deliver a letter, even if they receive no payment or reward for doing so, that is to say-

- (a) except for such letters as are mentioned in paragraph (e) of subsection (2) owners of, or any person on board, any ship or aircraft on a voyage or flight between, to or from places in Gibraltar;
- (b) except for such letters as are mentioned in paragraph (f) of subsection (2) common carriers by land or their servants or agents;
- (c) owners, drivers or conductors of public service vehicles:

Provided that this subsection shall not make unlawful the receipt, carriage or delivery of letters between places in Gibraltar by any person which would otherwise be lawful by virtue of paragraph (a) or, if that person is a passenger, paragraph (b) or (c) of subsection (2).

(4) For the purposes of this section, the expression "letter" includes a postal packet, so, however, as not to include a newspaper unless a communication not forming part of a newspaper is contained therein or a parcel.

Infringement of Director's privilege.

4.(1) Without prejudice to subsection (3) a person who, save as permitted by or under this Act, does any of the following things, that is to say-

- (a) sends or causes to be sent, or tenders or delivers in order to be sent, or conveys, or performs any service incidental to conveying, otherwise than by post, any postal packets within the exclusive privilege of the Director; or
- (b) makes a collection of any such postal packets for the purpose of conveying or despatching them either by post or otherwise,

is guilty of an offence and is liable on summary conviction to a fine of £5 for every packet, whether the packet is sent or is intended to be sent singly or together with some other packet or thing, and if he is in the practice of doing any of the said things to an additional fine of £100 for every week during which the practice has continued.

(2) In any proceedings for the recovery of a fine under this section, it shall lie upon the person proceeded against to prove that the act in respect of which the fine is alleged to have been incurred was done lawfully.

(3) Without prejudice to the foregoing provisions of this section, compliance with section 3 shall be enforceable by civil proceedings by the Crown for an injunction or for any other appropriate relief.

PART II.—GENERAL PROVISIONS AS TO TRANSMISSION OF POSTAL PACKETS.**Postage to be charged on postal packets.**

5.(1) Subject to the provisions of this Act and any other law, there shall be charged by the Director for the use of the Government in respect of postal packets which are conveyed or delivered for conveyance by post under the authority of the Director such postage and other sums as may be prescribed by regulations.

(2) Regulations under this section may-

- (a) fix or provide for the determination of the rates of postage and the other sums, if any, to be charged in respect of postal packets and postal facilities under this Act;

- (b) make provision as to the scale of weights and the circumstances according to which those rates and sums are to be charged;
- (c) confer upon the Director power, with or without the consent of the Financial and Development Secretary, to remit in whole or in part any postage or other sums chargeable in such cases or classes of cases as he may determine.

(3) Official correspondence between departments of the Government of Gibraltar and Government departments in the United Kingdom shall not be liable to payment of postage rates, but shall be transmitted subject to the same conditions as may be from time to time in force in the United Kingdom in respect of such correspondence when there received or posted.

(4) Official correspondence between departments of the Government of Gibraltar in Gibraltar shall not be liable to payment of postage rates.

(5) Without prejudice to the generality of subsection (1), and notwithstanding subsection (2), regulations under this section may-

- (a) provide for the posting of postal packets and the provision of postal facilities to persons licensed under the regulations, without prepayment of postage;
- (b) fix licence fees and other fees for such services; and
- (c) prescribe other terms and conditions of such services, including terms and conditions of licences.

General provisions relating to postage, etc.

6.(1) Except as the Governor may otherwise direct and subject to the provisions of this Act and any regulations made thereunder, all postage and other sums chargeable in respect of postal packets by virtue of section 5 shall be chargeable as stamp duties and the law relating to stamp duties shall apply accordingly:

Provided that, notwithstanding anything in such law, any person in the service or employment of the Post Office may sell postage stamps at any place and in any manner without any licence or authority under such law.

(2) The Director may, in accordance with regulations, stamp any paper sent to him for the purpose of being stamped as covers or envelopes of postal packets with stamps denoting the appropriate postage on payment of

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the amount of the stamps required to be impressed and of such further fee as may be prescribed by regulations.

(3) The Director, subject to regulations, may make repayments or give other stamps in return for any spoiled, unused or misused stamps either of a value equal to the face value thereof, or, if he thinks fit, of any less value.

(4) The marks used by the Director for the purpose of cancelling stamps used for the payment of postage on postal packets may consist of such words or devices as the Director may in his discretion think proper, including words or devices constituting advertisements in respect of the use of which as postmarks payment is made by any persons to the Director.

(5) The manufacture and sale of postage stamps is the exclusive privilege of the Governor.

Provisions as to postage, etc., not prepaid or insufficiently prepaid.

7.(1) Where the postage or any other sum chargeable for the transmission of a local postal packet is required to be prepaid and has not been, or has been insufficiently, prepaid by the sender, there shall be payable by the addressee on the delivery of the packet, or, if the packet is refused or cannot for any other reason be delivered, by the sender-

- (a) where the non-payment or deficiency is in respect of postage, an amount equal to double the amount of the postage or, as the case may be, of the deficiency;
- (b) where the non-payment or deficiency is in respect of a sum other than postage, an amount equal to that sum or, as the case may be, to the amount of the deficiency:

Provided that regulations may provide that, in the case of any such packets and subject to such conditions, if any, as may be prescribed in the regulations, such lesser amount than that specified in paragraph (a) shall be payable as may be so prescribed.

(2) Where, on the delivery to him of a local postal packet, the addressee has paid any amount thereon in accordance with subsection (1) and desires to reject the packet, the Director may, on the application of the addressee and subject to regulations, charge to the sender the said amount together with the additional postage and other charges, if any, for returning the packet to him, and the sender shall pay any sum so charged; and on the payment by the sender of that sum the Director shall repay to the addressee the amount paid by him under subsection (1).

Conditions of transit of postal packets.

- 8.(1) Regulations may make provision as to –
- (a) the time and mode of posting and delivery of postal packets and of the payment of postage and other sums payable in respect thereof under this Act;
 - (b) the registration of, giving of receipts for, or giving or obtaining of certificates of posting or delivery of, any postal packet, and any sums to be paid in addition to postage for that registration, receipt or certificate;
 - (c) special conditions and regulations in respect of the transmission by post of postal packets consisting of books or paper (including letters to or from blind persons) impressed or otherwise prepared for the use of the blind, or of papers posted to any person for the purpose of being so impressed or prepared, or of any article specially adapted for the use of the blind;
 - (d) stamps and covers for postal packets;
 - (e) the form, dimensions and maximum weight of postal packets;
 - (f) what may be enclosed in postal packets;
 - (g) the use for making communications of postal packets not charged with postage as letters;
 - (h) the extent to which written matter may be permitted on the covers of postal packets and the character and position of that written matter;
 - (i) what circulars or commercial, legal or other documents shall be charged with postage otherwise than as letters;
 - (j) what marks or indications referring to the contents of a newspaper may be written or printed on the newspaper or on the cover thereof without causing the packet to be charged with postage as a letter;
 - (k) the postponement of the despatch or delivery from a post office of printed or sample packets or post-cards to avoid delay in the despatch or delivery of letters;

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- (l) the re-direction of postal packets and the transmission of postal packets so re-directed either free of charge or subject to such postage or other charges as may be specified in the regulations;
- (m) the disposal of postal packets in course of transmission by post in cases where it appears to the satisfaction of the Director that the addressee is dead,

and otherwise as to the conditions, prohibitions and restrictions subject to which postal packets may be posted, forwarded, conveyed or delivered; and different regulations may be made for different cases or different circumstances.

(2) Save as provided in section 7 of the Crown Proceedings Act, the registration of or giving of a receipt for a postal packet, or the giving or obtaining of a certificate of posting or delivery of a postal packet shall not render the Crown in any manner liable for the loss of the packet or the contents thereof.

(3) If any postal packet is posted or sent by post in contravention of this Act or of any regulation made thereunder, the transmission thereof may be refused and the packet may, if necessary, be detained and opened in the post office and may be returned to the sender thereof or forwarded to its destination, subject in either case to any regulations as to additional postage or other charges, or may be destroyed or otherwise disposed of as the Director may direct.

Decision as to postal packets.

9. If any question arises whether any postal packet is a letter or any other description of postal packet within the meaning of this Act or of any regulations made thereunder, the decision of the Director thereon shall be final.

Cash on delivery service.

10.(1) The Director may conduct, in accordance with such provisions as may be contained in regulations, a cash on delivery service in respect of—

- (a) local postal packets;
- (b) postal packets transmitted between Gibraltar and any other country or place the postal administration of which has made an arrangement with the Director for the purposes of this section.

(2) Regulations made for the purposes of this section may prescribe the terms on which and the conditions subject to which a cash on delivery packet may be posted, conveyed and delivered, and in particular may—

- (a) authorize the Director to withhold delivery of such a packet until the sums payable in respect thereof have been paid; and
- (b) provide for the remission to the senders of such packets by means of money orders of the sums payable to them in respect of the packets.

(3) Where a cash on delivery packet is delivered in Gibraltar without the sums payable in respect thereof having been paid, the Director may by notice in writing require the addressee within the time specified in the notice either to pay those sums or to re-deliver the packet intact to the Director, and if the addressee fails to comply with the notice the Director shall be entitled to recover such sums as a debt due to him from the addressee.

(4) The provisions of this Act as to the recovery of postage or other sums payable in respect of a postal packet shall apply in relation to any sums payable in respect of a cash on delivery packet, and a certificate of the amount of any sum payable as last mentioned purporting to be signed by the Director or on his behalf by an officer of the Post Office duly authorised by or under section 55 shall, in any legal proceedings for the recovery of any such sums, be sufficient proof of the facts stated therein unless the contrary is shown.

(5) In this section, the expression “cash on delivery service” means a service whereby the Director or other postal administration undertakes at the request of the sender of a postal packet to collect, or secure the collection of, a sum of money on his behalf from the addressee as a condition of delivery; and the expression “cash on delivery packet” means a postal packet in respect of which such an undertaking is given.

Prohibition on sending by post of certain articles.

11.(1) A person shall not send or attempt to send or procure to be sent a postal packet which—

- (a) save as the Director may either generally or in any particular case allow, encloses any explosive, dangerous, noxious or deleterious substance, any filth, any sharp instrument not properly protected, any noxious living creature, or any creature, article or thing whatsoever which is likely to injure either other postal packets in course of conveyance or an officer of the Post Office; or

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- (b) encloses any indecent or obscene print, painting, photograph, lithograph, engraving, cinematograph film, book, card or written communication, or any indecent or obscene article whether similar to the above or not; or
- (c) has on the packet, or on the cover thereof, any words, marks or designs which are grossly offensive or of an indecent or obscene character.

(2) A person who acts in contravention of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of £25 or on conviction on indictment to imprisonment for twelve months.

(3) Regulations may be made for preventing the sending or delivery by post of any such articles as are mentioned in paragraph (b) or (c) of subsection (1) or of any postal packet having thereon, or on the cover thereof, any words, marks or designs of a libelous character..

(4) The detention in the post office of any postal packet on the grounds of a contravention of this section or of any regulations made thereunder shall not exempt the sender thereof from any proceedings which might have been taken if the packet had been delivered in due course of post.

Power of Director to carry into effect postal arrangements with other countries.

12. Where an arrangement has, either before or after the commencement of this Act, been made by the Director with the postal administration of any other country with respect to the conveyance by post of any postal packets between Gibraltar and places outside Gibraltar, or whether through Gibraltar or not, between places outside Gibraltar, regulations may be made for carrying the arrangement into effect, and may make provision as to the charges for the transit of postal packets, single or in bulk, the scale of weights to be adopted, and the accounting for and paying over to any other postal administration of any money received by the Director.

Application of customs laws to postal packets.

13.(1) Subject to the provisions of this section, the provisions of the Imports and Exports Act and any other law for the time being in force relating to customs or to import and export duties and control shall apply in relation to goods contained in postal packets to which this section applies brought into Gibraltar by post or sent out of Gibraltar by post to any place outside Gibraltar as they apply in relation to goods otherwise imported, exported or removed into or out of Gibraltar from or to any such place.

- (2) Regulations may be made—
- (a) for specifying the postal packets to which this section applies;
 - (b) for making modifications or exceptions in the application of the said law to such packets;
 - (c) for enabling officers of the Post Office to perform for the purposes of the said law and otherwise all or any of the duties of the importer, exporter or person removing the goods;
 - (d) for carrying into effect any arrangement with the postal administration of any other country with respect to foreign postal packets;
 - (e) for securing the observance of the said law and, without prejudice to any liability of any person under such law, for punishing any contravention of the regulations;

and different regulations may be made for foreign and local postal packets.

(3) The provisions of this Act as to the recovery of postage or other sums payable in respect of a postal packet shall apply in relation to any customs duty or other charges payable in respect of a postal packet to which this section applies, whether payable to the Government or to the government of any country outside Her Majesty's dominions, and a certificate of the amount of any such duty or other charges purporting to be signed by the Director or on his behalf by any officer of the Post Office duly authorized by or under section 55 shall in any legal proceedings for the recovery of the duty or charges be sufficient evidence of the facts stated therein unless the contrary is shown.

Power to detain postal packets containing contraband.

14.(1) Without prejudice to section 13, the Director may detain any postal packet suspected to contain any goods chargeable with any customs duty which has not been paid or secured or any goods in the course of importation, exportation or removal into or out of Gibraltar contrary to any prohibition or restriction for the time being in force with respect thereto under or by virtue of any law and may forward the packet to the Collector of Revenue.

(2) Where any postal packet has been forwarded to the Collector of Revenue under this section he may—

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- (a) in the presence of the person to whom the packet is addressed;
or
- (b) if, after notice in writing from them requiring his attendance left at or forwarded by post to the address on the packet, the addressee fails to attend, or if the address on the packet is outside Gibraltar, then in his absence,

open and examine the packet.

(3) Where the Collector of Revenue opens and examines a postal packet under this section, then—

- (a) if he finds any such goods as aforesaid he may detain the packet and its contents for the purpose of taking proceedings with respect thereto;
- (b) if he finds no such goods, he shall either deliver the packet to the addressee upon his paying any postage and other sums chargeable thereon or, if he is absent, forward the packet to him by post.

Recovery of postage, etc.

15. All postage and other sums payable under this Act in respect of postal packets may be recovered as a debt due to the Government.

Post Office mark evidence of amount of postage, etc.

16.(1) The official mark of any sum on any postal packet as due in respect of that packet, whether the mark is the mark of the Post Office or of any other postal administration and whether the sum is marked as being due to the Director or otherwise, shall in every court in Gibraltar be sufficient proof of the liability of the packet to the sum so marked unless the contrary is shown, and the sum shall be recoverable in any such court as postage due to the Government.

(2) In any proceedings for the recovery of postage or other sums due in respect of postal packets, the production of the packet in respect of which any such postage or sum is sought to be recovered, having thereon a stamp or other endorsement of the Post Office in question or any other postal administration indicating that the packet has been refused or rejected or is unclaimed or cannot for any other reason be delivered, shall be sufficient proof of the fact indicated unless the contrary is shown.

(3) In any such proceedings as aforesaid, a certificate purporting to be signed by the Director or on his behalf by an officer of the post office duly authorised by or under section 55 that any mark, stamp or endorsement is such a mark, stamp or endorsement as is mentioned in the foregoing provisions of this section shall be sufficient proof thereof unless the contrary is shown.

(4) In any such proceedings as aforesaid, the person from whom any postal packet in respect of which any postage or sum is sought to be recovered purports to have come shall, until the contrary is proved, be deemed to be the sender of the packet.

PART III.—MONEY ORDERS.

Money orders.

17.(1) The Director may provide for the remission of small sums of money, through post offices established by him, by means of money orders, and may demand and receive for the use of the Government in respect of those money orders such rates of poundage as may be fixed by regulations.

(2) Regulations may make provision with respect to money orders, and to the payment thereof, and to the persons by or to whom they are to be paid, and the times and places at which and otherwise as to the mode in which they are to be paid.

(3) Subject to such regulations, the Director may repay the amount of any money order to the person to whom the order is issued, or his executors or administrators, whether the order remains in the possession of that person or not, and upon that repayment all liability on the part of any officer of the Post Office or the Government, in respect of the money order shall, as against the payee of the money order and the holder thereof and every other person whomsoever, cease.

(4) No interest shall be payable in respect of any money order.

(5) No action or other legal proceeding shall be instituted against the Government or against any officer of the Post Office or any person whomsoever in respect of any compliance with such regulations, or otherwise in relation thereto, or in respect of the payment of any such money orders being refused or delayed by or on account of any accidental neglect, omission or mistake by or on the part of any officer of the Post Office, or for any other cause whatsoever, without fraud or wilful misbehaviour on the part of any officer of the Post Office.

Special provisions as to postal orders.

18.(1) The Director may authorize officers of the Post Office or any of them to issue money orders in such form as may be directed from time to time by him, and those money orders (in this Act referred to as “postal orders”) shall be paid in the manner and subject to the conditions prescribed by regulations and the amounts for which they may be issued and the poundage payable in respect thereof shall be such as may be so prescribed:

Provided that after the expiration of such period after the date of the issue of a postal order as may be prescribed by regulations, the order shall be payable only on payment in manner prescribed by regulations of a commission equal to the amount of the original poundage.

(2) If regulations so provide, the Director may authorize any person holding office under the Government to issue postal orders, and a person so authorized shall, for the purpose of the issue and payment of postal orders, be deemed to be an officer of the Post Office within the meaning of this Act.

(3) Any person acting as a banker in Gibraltar who, in collecting in that capacity for any principal, has received payment or been allowed by the Director in account in respect of any postal order, or of any document purporting to be a postal order, shall not incur liability to anyone except that principal by reason of having received the payment or allowance or having held or presented the order or document for payment; but this subsection shall not relieve any principal for whom any such order or document has been so held or presented of any liability in respect of his possession of the order or document or of the proceeds thereof.

(4) The law relating to the punishment of offences connected with stamp duties (including the law relating to the punishment of fraud) shall apply in like manner as if any poundage or commission chargeable for a postal order were stamp duty.

Issuing money orders with fraudulent intent.

19.(1) An officer of the Post Office who grants or issues any money order with a fraudulent intent is guilty of an offence and is liable on conviction to imprisonment for seven years.

(2) If any officer of the Post Office re-issues a money order previously paid, he shall be deemed to have issued the order with a fraudulent intent for the purposes of this section.

Forgery and stealing of money orders.

20.(1) A money order shall be deemed to be an order for the payment of money and a valuable security within the meaning of this Act and of the Criminal Offences Act, and of any other law relating to forgery or stealing.

(2) A person who, with intent to defraud, obliterates, adds to or alters any such lines or words on a money order as would, in the case of a cheque, be a crossing of that cheque, or knowingly offers, utters or disposes of any money order with such fraudulent obliteration, addition or alteration, is guilty of an offence and is liable to the like punishment as if the order were a cheque.

Arrangements with other countries as to money orders.

21. Where an arrangement is made with the postal administration of any other country for the transmission of small sums through post offices under the charge of the Director in question and the postal administration of the other country by means of money orders, sections 17, 18, 19 and 20 shall, so far as is consistent with the tenor thereof, and subject to any modifications prescribed by regulations, in like manner as if an order issued in pursuance of the arrangement, whether by an officer of the Post Office or by an officer of the other postal administration, were a money order within the meaning of those sections:

Provided that—

- (a) any regulations relating to any money orders issued in pursuance of any such arrangement may differ from the regulations relating to any other money orders; and
- (b) any money orders issued in pursuance of any such arrangements may be of such amount and in such form and subject to such conditions respecting poundage, commission, the periods during which they are payable, and other matters, as may be prescribed by regulations.

PART IV.—CONVEYANCE OF MAIL BAGS BY SHIPS AND AIRCRAFT.

Outward bound ships.

22.(1) Every master of a ship outward bound shall receive on board his ship every mail bag tendered to him by an officer of the Post Office for conveyance, and having received it shall deliver it, on arriving at the port or place of his destination, without delay.

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(2) The master of any such ship who fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine of £200.

Inward bound ships and aircraft.

23.(1) Subsections (2), (3) and (4) shall apply in relation to a ship or aircraft inward bound carrying any postal packets within the exclusive privilege of the Director, not being packets to which section 24 applies.

(2) The master of the ship or commander of the aircraft shall collect all such postal packets on board his ship or aircraft and enclose them in some bag or other covering sealed with his seal and addressed to the Director and shall without delay deliver them to the proper officer of the Post Office demanding them or, if no demand is made by that officer, then at the post office with which he can first communicate.

(3) The master of the ship or the commander of the aircraft who does not duly comply with the provisions of subsection (2) is guilty of an offence and is liable on summary conviction to a fine of £200.

(4) The master of the ship or commander of the aircraft shall not break bulk on board his ship or aircraft in any port or place before he has complied with the provisions of subsection (2) and if he does so he is guilty of an offence and is liable on summary conviction to a fine of £25.

(5) Any revenue officer may refuse to permit bulk to be broken on board any inward bound ship or aircraft until he is satisfied that any postal packets brought in that ship or aircraft which are required to be delivered under subsection (2) have been so delivered.

(6) Any revenue officer may search any inward bound ship or aircraft for, and seize, any postal packets within the exclusive privilege of the Director and forward any such packets seized to the nearest post office; and section 8(3) shall apply in relation to any packet so forwarded.

Owners' letters.

24.(1) Subsections (2) and (3) shall apply to any letter addressed to the owner, charterer or consignee of a ship or aircraft inward bound or to the owner, consignee or shipper of any goods carried in such a ship or aircraft, being a letter which, not being excepted from the exclusive privilege of the Director, complies with the following conditions, that is to say—

- (a) that the addressee is described in the address or superscription on the letter as such owner, charterer, consignee or shipper; and

- (b) in the case of a letter addressed to an owner, consignee or shipper of goods, that it also appears by the ship's manifest or by the manifest and declaration of the aircraft that the addressee has goods on board the ship or aircraft.

(2) Any such letter required to be delivered to a person at the place of arrival of the ship or aircraft shall be delivered to that person by the master of the ship or the commander of the aircraft free of local postage and that person shall be entitled to the delivery thereof before the delivery of any other postal packets to the Post Office.

(3) Any such letter required to be delivered to a person at any other place in Gibraltar shall be delivered by post on payment of local postage only.

(4) A person who with intent to evade any postage falsely subscribes any letter as being for the owner, charterer or consignee of the ship or aircraft conveying the letter or for the owner, consignee or shipper of goods carried in that ship or aircraft, is guilty of an offence and is liable on summary conviction to a fine of £25.

Retention of postal packets after delivery of part thereof to Post Office.

25. If any person, being the master or commander, one of the officers or crew, or a passenger, of a ship or aircraft inward bound, knowingly has in his baggage or in his possession or custody any postal packet, except a postal packet not within the exclusive privilege of the Director, after the master of the ship or commander of the aircraft has sent any part of the postal packets on board the ship or aircraft to the Post Office, he is guilty of an offence and is liable on summary conviction to a fine of £5 for every such packet; and if he detains any such packet after demand made either by a revenue officer or by any person authorized by the the Postmaster to demand the postal packet on board the ship or aircraft, he is liable on summary conviction to a fine of £25 for every postal packet so detained.

Carriage of parcels by coasting ships.

26.(1) In the case of any mechanically-propelled ship which is a home-trade ship within the meaning of the Merchant Shipping Act the Director may require the person by whom that ship is owned or worked to carry parcels in that ship.

(2) The remuneration for any services rendered by a ship under this section shall be determined by agreement between the Director and the person owning or working the ship or, in default of agreement, by the Court

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of First Instance; and any remuneration so determined shall be paid direct to that person.

Remuneration of owners and masters or commanders of ships or aircraft.

27. Without prejudice to section 26, regulations may provide for the allowance to owners or masters of ships or owners or commanders of aircraft in respect of postal packets or any description thereof conveyed by them on behalf of the Post Office, and also to pilots, crew and others in respect of postal packets or any description thereof brought by them to any post office from any ship or aircraft, of such gratuities under such conditions and restrictions as may be so provided.

Penalty for opening of mail bag by master or commander of ship or aircraft.

28.(1) The master of a ship or the commander of an aircraft who—

- (a) opens a sealed mail bag with which he is entrusted for conveyance; or
- (b) takes out of a mail bag with which he is entrusted for conveyance any postal packet or other thing,

is guilty of an offence and is liable on summary conviction to a fine of £200.

(2) A person to whom postal packets have been entrusted by the master of a ship or the commander of an aircraft to deliver to the Post Office, who breaks the seal, or in any manner wilfully opens them, is guilty of an offence and is liable on summary conviction to a fine of £25.

PART V.—GENERAL OFFENCES.

Stealing mail bag or postal packet.

29. A person who—

- (a) steals a mail bag;
- (b) steals any postal packet in course of transmission by post;
- (c) steals any chattel, money or valuable security out of a postal packet in course of transmission by post; or
- (d) stops a mail with intent to rob or search the mail,

is guilty of an offence and is liable on conviction to imprisonment for ten years.

Unlawfully taking away or opening mail bag.

30. A person who unlawfully takes away or opens a mail bag sent by any ship, vehicle or aircraft employed by or under the Post Office for the transmission of postal packets under contract, or unlawfully takes a postal packet in course of transmission by post out of a mail bag so sent, is guilty of an offence and is liable on conviction to imprisonment for five years.

Receiver of stolen mail bag or postal packet.

31. A person who receives any mail bag, or any postal packet or any chattel or money or valuable security, the stealing, or secreting of which amounts to an offence against this Act, knowing it to have been so stolen, or secreted, and to have been sent, or to have been intended to be sent, by post, is guilty of an offence and is liable to the same punishment as if he had himself stolen, or secreted it, and may be proceeded against and convicted whether the principal offender has or has not been previously convicted or is or is not amenable to justice.

Fraudulent retention of mail bag or postal packet.

32. A person who fraudulently retains, or wilfully secretes or keeps, or detains, or who, when required by an officer of the Post Office, neglects or refuses to deliver up—

- (a) any postal packet which is in course of transmission by post and which ought to have been delivered to any other person; or
- (b) any postal packet in course of transmission by post or any mail bag which has been found by him or by any other person,

is guilty of an offence and is liable on conviction to imprisonment for two years and to a fine of £200.

Criminal diversion of letters from addressee.

33.(1) A person not in the employment of the Post Office who, wilfully and maliciously, with intent to injure any other person, either opens or causes to be opened any postal packet which ought to have been delivered to that other person, or does any act or thing whereby the due delivery of the packet to that other person is prevented or impeded, is guilty of an offence and is

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liable on summary conviction to imprisonment for six months or to a fine of £50.

(2) Nothing in this section shall apply to a person who does any act to which this section applies where he is parent, or in the position of parent or guardian, of the person to whom the postal packet is addressed.

(3) A prosecution shall not be instituted in pursuance of this section except by the direction or with the consent of Director.

(4) In this section the expression “postal packet” means a postal packet which is in course of transmission by post or which has been delivered by post.

Secreting or destroying postal packets.

34. An officer of the Post Office who secretes or destroys a postal packet in course of transmission by post, is guilty of an offence and is liable on conviction to imprisonment for seven years.

Opening or delaying of postal packets by officers of the Post Office.

35. An officer of the Post Office who, contrary to his duty, opens, or procures or suffers to be opened, any postal packet in course of transmission by post, or wilfully detains or delays, or procures or suffers to be detained or delayed, any such postal packet, is guilty of an offence and is liable on conviction to imprisonment for two years and to a fine of £200:

Provided that nothing in this section shall extend to the opening, detaining or delaying of a postal packet returned for want of a true direction, or returned by reason that the person to whom it is directed has refused it, or has refused or neglected to pay the postage thereof, or that the packet cannot for any other reason be delivered, or to the opening, detaining or delaying of a postal packet under the authority of this Act or in obedience to an express warrant in writing under the hand of the Governor.

Carelessness, negligence or misconduct of persons employed in carrying or delivering mail bags, postal packets etc.

36. A person employed to convey or deliver a mail bag, or a postal packet in course of transmission by post, or to perform any other duty in respect of a mail bag or such a postal packet who—

- (a) without authority whilst so employed, or whilst the mail bag or postal packet is in his custody or possession, leaves it, or suffers any person, not being the person in charge thereof, to

ride in the place appointed for the person in charge thereof in or upon any vehicle used for the conveyance thereof, or to ride in or upon a vehicle so used and not licensed to carry passengers, or upon a horse used for the conveyance on horseback thereof;

- (b) is guilty of any act of drunkenness whilst so employed;
- (c) is guilty of carelessness, negligence or other misconduct whereby the safety of the mail bag or postal packet is endangered;
- (d) without authority collects, receives, conveys or delivers a postal packet otherwise than in the ordinary course of post;
- (e) gives any false information of an assault or attempt at robbery upon him; or
- (f) loiters on the road or passage, or wilfully misspends his time so as to retard the progress or delay the arrival of a mail bag or postal packet in the course of transmission by post, or does not use due care and diligence safely to convey a mail bag or postal packet at the due rate of speed,

is guilty of an offence and is liable on summary conviction to a fine of £20.

Prohibition of placing injurious substances in or against post office letter boxes.

37.(1) No person shall place or attempt to place in or against any post office letter box any fire, match, light, explosive substance, dangerous substance, filth, noxious or deleterious substance, or fluid or commit a nuisance in or against any post office letter box or do or attempt to do anything likely to injure the box or its appurtenances or contents.

(2) A person who acts in contravention of this section, is guilty of an offence and is liable on conviction on indictment to imprisonment for twelve months or on summary conviction to a fine of £25.

Prohibition of affixing placards, etc., on post office letter boxes, etc.

38.(1) No person shall without due authority affix or attempt to affix any placard, advertisement, notice, list, document, board or thing in or on, or paint or tar, any post office, post office letter box or other property belonging to or used by or on behalf of the Director, or in any way disfigure any such office, box or property.

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(2) A person who acts in contravention of this section, is guilty of an offence and is liable on summary conviction to a fine of £10.

Prohibition of imitation of post office stamps, envelopes, forms and marks.

39.(1) No person shall, without due authority—

- (a) make, issue, or send by post or otherwise any envelope, wrapper, card, form or paper in imitation of one issued by or under the authority of the Director or of any other postal administration, or having thereon any words, letters or marks which signify or imply or may reasonably lead the recipient thereof to believe that a postal packet bearing them is sent on Her Majesty's service;
- (b) make on any envelope, wrapper, card, form or paper for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of or similar to or purporting to be any stamp or mark of any post office under the Director or under any other postal administration, or any words, letters or marks which signify or imply or may reasonably lead the recipient thereof to believe that a postal packet bearing them is sent on Her Majesty's service; or
- (c) issue or send by post or otherwise any envelope, wrapper, card, form or paper so marked.

(2) A person who acts in contravention of this section is guilty of an offence and is liable on summary conviction to a fine of £10.

Prohibition of fictitious stamps.

40.(1) No person shall except for such purposes and subject to such conditions as may be prescribed by regulations—

- (a) make, knowingly utter, deal in or sell any fictitious stamp;
- (b) have in his possession, unless he shows a lawful excuse, any fictitious stamp; or
- (c) make or, unless he shows a lawful excuse, have in his possession any die, plate, instrument or materials for making any fictitious stamp.

(2) No person shall knowingly use for the purposes of the Post Office any fictitious stamp.

(3) A person who acts in contravention of the provisions of this section is guilty of an offence and is liable on summary conviction to a fine of £25:

Provided that a prosecution shall not be instituted under this subsection except by order of the Director.

(4) Any stamp, die, plate, instrument or materials found in the possession of any person in contravention of subsection (1) may be seized and shall be forfeited.

(5) The importation into Gibraltar—

- (a) of any facsimile, imitation or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage;
- (b) of any die, plate, instrument or materials for making such a facsimile, imitation or representation,

is hereby prohibited.

(6) In this section the expression “fictitious stamp” means any facsimile, imitation or representation, whether on paper or otherwise, of any stamp for the time being authorized or required to be used for the purposes of the Post Office or of any stamp for denoting a current rate of postage of any country outside Gibraltar.

Prohibition of false notice as to reception of letters, etc.

41.(1) A person shall not without the authority of the Director place or maintain in or on any house, wall, door, window, box, post, pillar or other place belonging to him or under his control, any of the following words, letters or marks, that is to say—

- (a) the words “post office”;
- (b) the words “letter box” accompanied with words, letters or marks which signify or imply or may reasonably lead the public to believe that it is a post office letter box; or
- (c) any words, letters or marks which signify or imply or may reasonably lead the public to believe that any house or place is a post office or that any box is a post office letter box,

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and every person, when required by a notice given by the Director to remove or efface any such words, letters or marks, or to remove or effectually close up any letter box belonging to him or under his control which has been a post office letter box, shall comply with the requirement.

- (2) A person shall not without the authority of the Director –
- (a) place or maintain in or on any ship, vehicle, aircraft or premises belonging to him or under his control; or
 - (b) use in any document in relation to himself or any other person or in relation to any ship, vehicle, aircraft or premises,

the words “Royal Mail” or “Royal Air Mail” or any words, letters or marks which signify or imply or may reasonably lead the public to believe that the ship, vehicle, aircraft, or premises is or are used by the Director or with his authority for the purpose of collecting or conveying postal packets or that he or that other person is authorized by the Director to collect or convey such packets; and every person when required by a notice given by the Director to remove or efface or cease to use any such words, letters or marks as aforesaid shall comply with the requirement.

(3) A person who acts in contravention of this section is guilty of an offence and is liable on summary conviction to a fine of £10, and, if the offence is continued after a previous conviction, to a fine of £1 for every day during which the offence so continues.

Obstruction and molestation of officers of the Post Office.

42.(1) A person who wilfully obstructs or molests, or incites anyone to obstruct or molest, an officer of the Post Office in the execution of his duty, or whilst in any post office or within any premises belonging to any post office or used therewith obstructs the course of business of the Post Office, is guilty of an offence and is liable on summary conviction to imprisonment for one month and to a fine of £10.

(2) Any officer of the Post Office may require any person guilty of any offence against this section to leave a post office or any such premises as aforesaid and, if the person so required refuses or fails to comply with the requirement, he is guilty of an offence and liable on summary conviction to a further fine of £5, and may be removed by any officer of the Post Office, and any police officer shall on demand remove or assist in removing any such person.

Provision against hawking opposite General Post Office.

43. A hawker, newsvendor, or idle or disorderly person who stops or loiters on the flagway or pavement opposite the General Post Office in Gibraltar, or in any part thereof, is guilty of an offence and is liable on summary conviction to a fine of £5.

Endeavouring to procure the commission of offences.

44. A person who solicits or endeavours to procure any other person to commit an offence punishable on indictment under this Act is guilty of an offence and is liable on summary conviction to imprisonment for two years.

PART VI.—LEGAL PROCEEDINGS.

Summary proceedings.

45. Proceedings for any offence against this Act punishable on summary conviction may be commenced at any time within one year next after the commission of the offence.

Provisions as to form of proceedings.

46.(1) Without prejudice to the provisions of the Criminal Procedure Ordinance, in any legal proceedings for any offence committed or attempted to be committed, or any malicious, injurious or fraudulent act or thing done in, upon or with respect to the Post Office or the Post Office revenue, or any mail bag, postal packet or money order, or any chattel, money or valuable security sent by post, or in any way concerning any property under the management or control of the Director, it shall be sufficient to allege the property to belong to the Director and to allege any such act or thing to have been done with intent to injure or defraud the Director without in either case naming the person who is Director, and it shall not be necessary to allege or to prove upon the trial or otherwise that the mail bag, postal packet, money order, chattel, money, security or property was of any value.

(2) Without prejudice to subsection (1) in any legal proceedings against any officer of the Post Office for any offence committed against this Act, it shall be sufficient to allege that the alleged offender was an officer of the Post Office at the time of the commission of the offence, without stating further the nature or particulars of his employment.

Evidence of thing being postal packet, and of consent of Director to prosecution.

47.(1) On the prosecution of any offence against this Act, whether summarily or on indictment, evidence that any article is in the course of transmission by post, or has been accepted on behalf of the Director in

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question for transmission by post, shall be sufficient evidence that the article is a postal packet.

(2) Where the consent or order of the Director is required to or for any prosecution, an instrument purporting to be executed by him or on his behalf by an officer of the Post Office duly authorized by or under section 55 and stating that the prosecution has been consented to or ordered by the Director shall be sufficient proof of that fact, unless the contrary is shown.

Offences also punishable at common law or under some other law.

48. Where proceedings are taken before any court against a person in respect of an offence against this Act which is also an offence punishable under any other law, the court may direct that, instead of those proceedings being continued, proceedings shall be taken for punishing that person under that other law.

PART VII.—MISCELLANEOUS AND GENERAL.

Sale of stamps.

48A.(1) Stamps shall be sold to the members of the public at the post offices and may be sold at such other Government offices and between such hours as the Financial and Development Secretary with the prior approval of the Governor may appoint.

(2) The Director of Postal Services may, with the prior approval of the Governor, appoint stamp vendors who shall be authorised to sell stamps to the members of the public and may allow such stamp vendors such commission as may be prescribed on every purchase of stamps made by them for not less than £25 at any one time.

Provision as to post office letter boxes.

49.(1) Where it appears to the Director that any post office letter box, by reason of being on the premises of any private person or otherwise, is so situated as not to afford the same security against the improper removal of postal packets therefrom or other fraud as exists in the case of other post office letter boxes, he may declare that that post office letter box shall be a private posting box, and shall affix upon or near the box a notice of its being and of the effect of its being a private posting box, and a postal packet put into that box shall not, for the purpose of any law or contract whereby the due posting of a postal packet is evidence of the receipt thereof by the addressee, be deemed to have been duly posted.

(2) A certificate purporting to be signed by the Director or on his behalf by an officer of the Post Office duly authorized by or under section 55 to the effect that any box or receptacle is or was provided by the permission or under the authority of the Director for the purpose of receiving postal packets or any class of postal packets, shall in any legal proceedings be sufficient proof of the facts stated in the certificate unless the contrary is shown.

Appointment of Director and officers of the Post Office.

50. The Governor shall appoint a person to be Director, who shall be in charge of the administration of the Post Office, and such officers of the Post Office as the Governor may think fit.

Officers to make declaration.

51. The Director and all officials and servants of the Post Office (other than menial servants) shall upon appointment or employment make a declaration before a justice of the peace in such form as may be prescribed by regulations.

Surrender of clothing by officer of Post Office on ceasing to be officer.

52.(1) Where an officer of the Post Office vacates his office (whether by reason of dismissal, resignation, death or otherwise) he, or if he is dead his personal representative or the person acting as his personal representative, shall deliver to the Director all articles (whether uniform, accoutrements, appointments or other necessaries) which have been issued to the officer vacating his office for the execution of his duty and are not the property of that officer, and shall deliver the articles in good order and condition, fair wear and tear only excepted.

(2) A person who fails to comply with the provisions of this section is guilty of an offence and is liable on summary conviction to a fine of, and also to pay such further sum not exceeding £5 as the court may determine to be the value of the articles not delivered, or, if the articles have been delivered but not in good order and condition, of the damage done to the articles.

(3) Any magistrate may issue a warrant by virtue of which a police officer may search for and seize any articles not delivered as required by this section, in like manner as if they were stolen goods and the warrant were a warrant to search for stolen goods.

Post Office expenses.

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53. All expenses incurred by the Director in the execution of this Act or otherwise in the management of the Post Office and not otherwise provided for by any other law shall be paid out of the Consolidated Fund.

Regulations.

54. The Governor may make regulations with respect to any matter which is authorized or required by this Act to be effected by regulations and generally for the better carrying out of the provisions and objects of this Act.

Exercise of powers on behalf of Director.

55.(1) Any instrument or document required or authorized to be executed or signed by the Director may be executed or signed on his behalf by such other officers of the Post Office (whether described by name or by reference to their rank or office or class of office) as may be prescribed by regulations, either generally or as respects any class of instruments or documents, or as may be directed by the Director as respects any particular instrument or document.

(2) Any instrument or document purporting to be executed or signed by an officer of the Post Office duly authorized in that behalf by or under this section shall, until the contrary is proved, be deemed to have been duly executed or signed, without proof of the authority or official character of the person purporting to have executed or signed it.

(3) Subject to subsection (1), any act authorized or required to be done by, to or before the Director may be done by, to or before any officer, deputy, servant or agent appointed by him in that behalf.

Exemption of Director from stamp duty.

56. Every deed, instrument, money order, bill, cheque, receipt or other document, made or executed for the purposes of the Post Office to, or with the Governor or any officer of the Post Office shall be exempt from any stamp duty imposed by any law, except where that duty is declared by the document, or by some memorandum endorsed thereon, to be payable by some person other than the Director.

Police may search vessels.

57.(1) Any police officer or revenue officer may, by direction in writing of the Commissioner of Police or Captain of the Port, search any vessel or aircraft for any letters which may be suspected to be on board contrary to this Act, and he may seize all such letters and forward them to the Director.

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(2) The master or other person in charge of any vessel or aircraft who prevents or hinders any police officer or revenue officer from making such search is guilty of an offence and is liable on summary conviction to a fine of £20.