

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**
No. 3525 of 6 April, 2006

LEGAL NOTICE NO. 43 OF 2006.

POST OFFICE ORDINANCE

**COMMONWEALTH AND FOREIGN PARCEL POST
REGULATIONS (AMENDMENT) (NO. 2) REGULATIONS 2006**

In exercise of the powers conferred on him by sections 5, 8, 11, 12 and 54 of the Post Office Ordinance, and all other enabling powers, the Governor has made the following Regulations—

Title.

1. These Regulations may be cited as the Commonwealth and Foreign Parcel Post Regulations (Amendment) (No. 2) Regulations 2006.

Amendments to Commonwealth and Foreign Parcel Post Regulations.

2. The Commonwealth and Foreign Parcel Post Regulations are amended in accordance with regulations 3 to 17.

Amendment of regulation 2.

- 3.(1) Regulation 2 is amended by omitting the definition of “Datapost packet” and substituting it by the following definition—

“EMS packet” or “Express Mail Service packet” means a postal packet which is posted in Gibraltar as an EMS packet in accordance with the provisions of these regulations and which may contain documents, business papers or items of merchandise;”;

- (2) by inserting the following definition after the definition of “EMS packet”—

“Director” means the Director of Postal Services;”.

Amendment of regulation 4.

4.(1) Regulation 4 is amended by omitting sub-regulations (1) and (2).

(2) Regulation 4(3) is amended by omitting “to places other than those set out in Schedule 1” and by omitting “Parcel Post Tables C.P. 1 or C.P. 21” and substituting “Parcel Post Tables C.P. 81 or C.P. 82”.

(3) Regulation 4(4) and (5) are omitted and substituted by the following sub-regulations—

“ (4) The rates of postage for outgoing EMS items shall be a sum comprising the amount of the charges for the treatment of EMS items in Gibraltar, the air, land or sea charges to the most suitable place with which Gibraltar has direct communication and an EMS agreement, together with the forwarding charge of that postal administration.

(5) The total amount to be paid under sub-regulations (3) and (4) can be ascertained upon application at the Royal Gibraltar Post Office.”.

Amendment of regulation 5.

5. Regulation 5(3) is omitted and substituted by the following sub-regulation—

“ (3) There shall not be posted or conveyed by post an outgoing parcel except at the sender’s own risk if the parcel contains coins, bank notes, currency notes, securities or instruments payable to bearer, platinum, gold or silver.”.

Amendment of regulation 15.

6. Regulation 15 is amended by omitting “£1.40.” and substituting “£1.80.”.

Amendment of regulation 16.

7. Regulation 16(2)(a) is amended by omitting “Schedule 2” and substituting “Schedule 1”.

Omission of regulation 17.

8. Regulation 17 is omitted.

Amendment of regulation 18.

9.(1) Regulation 18(1) is amended by omitting “be” and substituting “is” and by omitting “under the provisions of these regulations”.

(2) Regulation 18(1) is further amended by omitting its proviso and substituting it by the following—

“Provided that:

- (a) in the case of an outgoing parcel, the sum paid by way of compensation shall not exceed the cost of the postage paid;
- (b) in the case of an incoming insured parcel, the sum paid by way of compensation shall not exceed the cost of the postage; and
- (c) where a parcel is insured from abroad it is the responsibility of the sender, receiver or both to seek compensation directly from the foreign postal authorities.”.

(3) Regulation 18 is further amended by re-numbering sub-regulations (2) and (3) as sub-regulations (4) and (5) respectively and inserting the following two sub-regulations after sub-regulation (1)—

- “(2) On the delivery of an incoming insured parcel the recipient shall give a written receipt thereof in the prescribed form. Where such a receipt is not obtained, the parcel may nevertheless be delivered, or may be withheld and dealt with or disposed of in such manner as the Director may think fit.
- (3) If an incoming parcel containing any such article which is not transmissible as an uninsured parcel is found in the post uninsured, the parcel may be delivered on payment of a fee equal to the registration fee chargeable for the registration of an outgoing postal packet other than a parcel, or may be returned to the postal administration of the country or place of origin.”.

Amendment of regulation 19.

10.(1) Regulation 19(6)(d) is amended by omitting “regulation 17(1)(h)” and substituting “the Schedule to the Insurance of Postal Packets Regulations, 2006”.

(2) The second proviso to regulation 19(7) is omitted.

(3) Regulation 19 is further amended by inserting the following sub-regulation after sub-regulation (7)–

“ (8) The Royal Gibraltar Post Office or its agents are expressly excluded from liability in respect of any incoming insured parcels and any loss or damages payable shall be limited to the amount of parcel postage paid.”.

Amendment of regulation 23.

11. Regulation 23 is amended by omitting “Schedule 4” and substituting “Schedule 2” in the two places they appear.

Amendment of the heading of Part IV.

12. The heading of Part IV is amended by omitting “DATAPOST” and substituting “EMS”.

Amendment of regulation 26.

13. Regulation 26 is amended by omitting “Datapost” and substituting “EMS” in the two places it appears.

Amendment of regulation 27.

14.(1) Regulation 27 is amended by omitting “Datapost” and substituting “EMS” in the two places it appears.

(2) Regulation 27(2) is amended–

(a) by omitting “arms except under permit,”;

- (b) by inserting “except under permit” after the word “substances”;
- (c) by inserting “or canisters” after “lighters”; and
- (d) by inserting “or any arms except under permit” after “canisters” as inserted by paragraph (c).

(3) Regulation 27(3) is amended by inserting in capitals and bold type “**HANDLE**” after “**FRAGILE**”.

Amendment of regulation 28.

15.(1) Regulation 28 is amended by omitting “Datapost” and substituting “EMS” in the three places it appears.

(2) Regulation 28 is further amended by omitting “18(2)” and “18(3)” and substituting “18(4)” and “18(5)” respectively.

Amendment of regulation 29.

16. Regulation 29 is amended by omitting “Datapost” and substituting “EMS” in the two places it appears and by omitting “8(3)” and substituting “8(5)”.

Amendment of the schedules.

17.(1) Schedules 1 and 3 are omitted and schedules 2 and 4 are re-numbered as schedules 1 and 2 respectively.

(2) Schedule 2 as re-numbered is amended by omitting “Schedule 2 (Postal facilities) item 2.” in the first column of the schedule.

Revocation.

18. The Commonwealth and Foreign Parcel Post Regulations (Amendment) Regulations 2006 is revoked.

Dated this 6th day of April, 2006.

By Command,
P R BARTON,
Deputy Governor

EXPLANATORY MEMORANDUM

These Regulations allow the Royal Gibraltar Post Office to alter their parcel post rates when the UK alters theirs by amending the references to the Parcel Post Tables in regulation 4(3) ones and modernises the legislation as part of the consolidation process.