

Subsidiary Legislation made under ss. 8(1) and 54.

## **Franking Machines Regulations 2004**

**LN.2004/104**

*Commencement* 4.11.2004

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### **ARRANGEMENT OF REGULATIONS**

Regulation

1. Title.
2. Franking machines.
3. Conditions of validity of impressions.
4. Breach of conditions.
5. Repeal.

### **SCHEDULE**

Licence for the use of a Postal Franking Machine for denoting postage and other charges.

**Title.**

1. These Regulations may be cited as the Franking Machines Regulations 2004.

**Franking Machines.**

2. The Director may issue a licence in the form set out in the Schedule for the use, subject to the conditions specified in such licence, of approved franking machines for impressing upon postal packets the sign of postage or stamp values.

**Conditions of validity of impressions.**

3. No impression made by a franking machine shall be valid for postage unless the franking machine has been duly licensed by the Director.

**Breach of conditions.**

4. The Director may remove a franking machine without notice if the user has been found in breach of any of the conditions under which that user is permitted to operate the franking machine.

**Revocation.**

5. The Franking Machines Regulations are revoked.

SCHEDULE

Regulation 2

**FRANKING MACHINES REGULATIONS 2004**

**GENERAL POST OFFICE GIBRALTAR.**

**LICENCE FOR THE USE OF A POSTAL FRANKING MACHINE FOR DENOTING  
POSTAGE AND OTHER CHARGES.**

**Part 1.**

Whereas the User named in Part 3 has applied to the Director of Postal Services, Gibraltar, for permission to use at the offices named in Part 3 of this Schedule and for the business of the User, a postal franking machine together with such meter or meters or electronic meter vault box and franking and date stamping die or dies being either mechanical or electronic ink jet, as are specified in this Schedule for the purpose of making impressions on postal packets and on documents to denote postage and other charges to such extent and in such cases as the Director shall for the time being authorise.

NOW, therefore, in pursuance of all powers in this behalf enabling him the Director hereby grants to the User this Licence and permission to use the said machine for such purpose as aforesaid subject to the following conditions—

**Part 2.**

1. The machine to be used is to be of a type approved by the Director.
2. If the machine is of a self locking type approved by the Director, no meter shall be used until it has been presented with this Licence at the Meter Setting post office named in Part 3 and the amount due in respect of the use of the machine and meter for postage or other charges has been prepaid by the User. No seals shall be broken except by or in the presence of a duly authorised officer of the Post Office. There shall be no duplicate seals and the sealed mechanism shall not be in any way interfered with except by such officer.

3. If the machine is an electronic type with an electronic meter vault box approved by the Director then, if the electronic meter vault box is not already the property of the Post Office, the ownership of the electronic meter vault box shall be transferred to the Post Office in consideration of the Franking Machine Licence. The electronic franking machine or the electronic meter vault box shall not be opened or interfered with in any way except by the vendor's employees and subject further to the Director's written permission to do so. No such electronic meter vault box or machine shall be used unless—

- (a) both are used in conjunction with each other;
- (b) the licensee has provided all information and documentation required by the Director from time to time to determine the profile and nature of the business, the ownership of the business and the amount of the deposit or guarantee required to cover all or any part of any monies payable to the Post Office by the licensee;
- (c) a deposit with and in favour of the post office or a guarantee in favour of the Post Office to the amount stipulated by the Director from time to time to cover the accrual of all or any part of any possible outstanding monies payable to the Post Office by the licensee is in place; and
- (d) the machine prints onto each and every postal item or label the total cumulative postage used by the machine and electronic meter vault box starting from the first use of the machine and electronic meter vault box.

4. In the case of an electronic franking machine with an electronic meter vault box the Director will periodically issue to the User an invoice for postage, logo impressions, advertising impressions and any other text or graphical impression made by the machine stating the period of time within which payment is to be made to the Post Office. The User shall pay such invoice within the time limit set by the Director.

5. If the machine is an electronic type with an electronic meter vault box approved by the Director then all images, texts or combinations thereof that are to be printed by the franking machine on any postal packet or label must be first approved in writing by the Director. All development work and production of such images, texts or combinations thereof shall be conducted by the Post Office. The Director will then invoice the User and the User shall pay the Post Office for such work within the time specified by the Director.

6. Impressions must be clear, distinct and complete, and made only upon the actual material of the cover, envelope or appropriate label of the postal packet to be posted or upon the relative form. Postage cannot be denoted by means of incomplete franking impressions, or by means of impressions on pieces of paper (other than labels approved by the Director) affixed to letters, packets or forms in the way in which postage stamps are affixed.

7. The name and address of the User or the number ascribed by the Director to the Licence of the User must be printed or embossed on all labels or impressions which are to bear a frank. Similar particulars must appear on envelopes and wrappers unless the messenger tendering the packet produces other documentary evidence that he is the User's authorized representative. The labels must bear the name and address or the Licence number of the User.
8. The date appearing in the date-stamping die impression on postal packets must be the date on which posting is effected. The Director may reject mail which is franked with a date which is older by one day or more from the date on which posting is effected.
9. All postal packets stamped by the machine must be arranged for posting with the address facing the same way and, except when the number of items is less than 20, must be tied in bundles. Different classes of letters or items of mail prepaid at different rates and bearing adhesive stamps as well as franking impressions, must each be tendered in separate bundles. Parcels must be handed in separately from other postal packets.
10. All postal packets stamped by the machine containing any goods other than printed documents must have affixed the appropriate customs declaration according to the Post Office Act and be handed to the post office premises as indicated by the Director. Any postal packet stamped by the machine and handed in or posted in any other way than that prescribed will be regarded as unpaid and surcharged accordingly.
11. Whether the machine is used or not, a posting docket must be tendered periodically as may be required by the Director to the office of posting in respect of each meter or electronic meter vault box. The posting docket shall indicate—
- (a) the name and address of the sender and the serial identification number of the machine and meter and where applicable the die number;
  - (b) the date; and
  - (c) the reading of the meter and the time of the final franking prior to completing the posting docket.
12. In addition to submitting the posting docket as directed by the Director the User will furnish over the telephone the above information to the Director as and when requested by the Director.
13. Facilities must be given to officers of the Post Office to inspect the machine and meter or meters and this Licence without notice at all reasonable times during usual business hours and the same must be brought by the User to the general post office at 104 Main Street or any other location that may be specified by the Director for inspection if and when required by the Director.

14. The User shall not without the Director's Licence in writing use or permit to be used for any such purpose as aforesaid any franking machine or meter other than those hereby expressly permitted.

15. The User shall keep the machine, including the meter or meters, in good condition, and to ensure the efficient working thereof the User shall, once in every two years or more frequently if the Director shall so direct, allow the agents of the manufacturers of the machine to inspect it so that such repairs or maintenance as may be necessary may be effected, and that the agents of the manufacturers may furnish to the Director such certificate of the good condition of the machine as may be required by the Director.

16. The Director or an authorized officer of the Post Office may after receipt of a written application by the User, make allowance for any impressions made in error (less a deduction of five per cent of face value) on surrender of the envelopes, wrappers, address labels or forms, provided that the impressions are legible and that the entire envelopes, wrappers, labels or forms are produced and surrendered within three days of the date of stamping.

17.(1) The conditions of this Licence and permission may be altered as necessary to bring them into conformity with the regulations and rules for the time being of the Post Office.

(2) The User shall make adjustments to his payment to the Post Office to take account of any postage rate changes at the time they came into effect.

18. Any notice under this Licence from the Director to the User shall be sufficiently given if notified to the User in a letter or writing left at or sent by post addressed to the address shown in Part 3 or the User's last known or usual place of abode or business.

19. Neither the Director nor any officer of the Post Office shall be responsible for the working of the machine or meters or be liable in respect or by reason of any rejection or delay in delivery of postal packets bearing such impression as aforesaid.

20. All postal packets impressed in pursuance of this Licence shall in all respects (except as to the mode of prepayment of postage) be subject to and regulated by the Acts and Regulations for the time being applicable to other postal packets of the same kind.

21. When the machine is not in use for a prolonged period the die in the case of self locking machines, or the sealed electronic meter vault box in the case of other electronic machines approved by the Director, shall be handed to the Director for custody.

22. If an electronic machine or electronic meter vault box is damaged and the meter reading in so far as postage used cannot be determined then the Director will determine the monies due to the Post Office for postage used by the electronic machine and electronic meter vault box based on the information received from the postal workers handling such mail as to the last

noted postage used values and previous weekly averages of postage used. The Director's ruling as to the amount to be paid shall be final and conclusive.

23.(1) The Director may remove the electronic meter vault box, belonging to the Post Office and used by the User, from any franking machine without notice in the Director's sole and absolute unfettered discretion. The User will permit access to the premises within normal working hours to enable the Director to exercise this right.

(2) The Licenced User shall surrender to the Director any unserviceable dies or electronic meter vault boxes.

24. This Licence may be revoked forthwith by the Director by notice in writing to the User if there is any breach by the User of any of the conditions contained in Part 1 of this Licence or any of the following events happen—

- (a) any machine proving mechanically or electronically unsatisfactory;
- (b) the Director considering that any machine has been improperly used or has been used in such a manner as to cause embarrassment or inconvenience to himself or to any officer of the Post Office;
- (c) the Director considering that any words, letters or marks, which he regards as embarrassing to himself or to any officer of the Post Office and which are printed or impressed upon or attached to a postal packet or document otherwise than by the machine, have the appearance of being printed or impressed by means of the machine;
- (d) if in the case of an electronic franking machine with an electronic meter vault box the postage used by the User exceeds the amount of deposit with the Post Office or the guarantee in favour of the Post Office to cover such postage; or
- (e) if in the case of the use of an electronic franking machine with an electronic meter vault box any invoice in respect of postage, logos used or advertising on the impression is not paid according to the time limits set and communicated by the Director to the User from time to time.

25. The Director may determine this Licence by not less than one day's notice in writing to the User.

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26. This Licence does not confer on the User any authority to use an invention which is protected by Letters Patent.

**Part. 3**

Licence No..... Machine No.....

Machine manufactured by.....

Name of User.....

Main Place of Business in Gibraltar . . . . .

Company Registration Number (if applicable). . . . .

Company Registration Address (if applicable) . . . . .

.....

Offices at which the machine } .....

Is authorized to be used } .....

Meter Setting post office for self locking mechanical machines

.....

Post Office premises at which Posting Docket must be handed in-

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Details of the franking machine hereby Licenced in the case of a self locking mechanical franking machine.

Meter No.	No. in Franking dies	Indication on Date-stamping Die	Pattern of Machine	Setting Unit	Denominations of Postage	Date of Issue and name and signature of Issuing Officer	Date of surrender and name and signature of Receiving Officer

Details of the franking machine and electronic meter vault box hereby Licenced in the case of an electronic franking machine.

Manufacture and Model of machine	Machine Serial No.	Meter Vault Box No.	Guarantee/ Deposit Amount £	Date of Issue and Name and signature of Issuing Officer	Meter reading at date of Issue	Date of surrender and name and signature of Receiving Officer

AS WITNESS my hand this ..... day of ..... 20.....

Director of Postal Services,  
Gibraltar

N.B. This Licence is not valid until it has been signed by the Director.

Dated..... 20.....

Licence Number .....  
THE DIRECTOR OF POSTAL SERVICES  
GIBRALTAR

TO

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**1961-10**

Post Office

**2004/104**

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LICENCE

For the use of Postal Franking  
Machine for Denoting of Postage  
And Other Charges.