



Isle of Man

Ellan Vannin

AT 20 of 1993

POST OFFICE ACT 1993



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**Isle of Man***Ellan Vannin*

POST OFFICE ACT 1993

Received Royal Assent: 14 December 1993
Passed: 14 December 1993
Commenced: See section 60

AN ACT to re-enact with amendments the enactments relating to postal services.

PART 1 – THE ISLE OF MAN POST OFFICE

Constitution of the Post Office

1 Constitution of the Post Office

[1972/11/2; 1987/14/3/4]

- (1) The Isle of Man Post Office Authority shall continue to be a Statutory Board, and shall henceforth be named the Isle of Man Post Office.
- (2) The Post Office shall consist of —
 - (a) a chairman and a vice-chairman, who shall be members of Tynwald; and
 - (b) no more than 3 other persons, who shall not be members of Tynwald.¹
- (2A) The members of the Post Office shall be appointed by the Council of Ministers, subject to the approval of Tynwald.²
- (3) Schedule 2 to the *Statutory Boards Act 1987* applies to the Post Office.³
- (4) The further provisions relating to the Post Office in Schedule 1 shall have effect.

*Functions of the Post Office***2 General duty of the Post Office**

[P1981/38/59]

- (1) The Post Office shall (consistently with any directions given to it under paragraph 12(1) of Schedule 2 to the *Statutory Boards Act 1987* and under this Act) so exercise its powers as to provide throughout the Island (save in so far as they are not provided by other persons or the provision thereof is in its opinion impracticable or not reasonably practicable) such services for the conveyance of letters as to satisfy all reasonable demands for them.
- (2) The Post Office shall also, in exercising its powers, have regard to —
 - (a) efficiency and economy;
 - (b) the social, industrial and commercial needs of the Island with respect to matters that are subserved by its powers;
 - (c) the desirability of improving and developing its operating systems; and
 - (d) developments in the fields of communications and banking.
- (3) Subsection (1) shall not be taken to preclude the Post Office from interrupting, suspending or restricting, in case of emergency, any service provided by it.
- (3A) Subsection (1) shall not be taken to limit or abridge any of the powers of the Post Office under section 4.⁴
- (4) Nothing in this section shall be construed as imposing upon the Post Office, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

3 Directions by Department for Enterprise⁵

[P1991/24/2(6)-(8)]

- (1) The Department for Enterprise (“**the Department**”) may give to the Post Office such directions regarding the exercise of its functions as the Department thinks fit.⁶
- (2) Without prejudice to the generality of subsection (1) directions under this section may relate to —
 - (a) standards of customer service; and
 - (b) customer complaints procedures.
- (3) The Post Office shall comply with any directions under this section.
- (4) This section is without prejudice to —
 - (a) sections 6 and 7 (directions by Treasury); and
 - (b) paragraph 12(1) of Schedule 2 to the *Statutory Boards Act 1987* (directions by Council of Ministers).

4 Powers of the Post Office

[1973/12/3; P1969/48/7; P1981/38/58; P1984/12/99]

- (1) The Post Office may, within the Island and elsewhere, provide or perform the following services —
 - (a) the conveyance, transmission, storage, custody, handling, delivery or management, by physical or electronic means, of —
 - (i) postal packets;
 - (ii) goods of any description;
 - (iii) money;
 - (iv) intangible property; and
 - (v) information of any description and in any form;
 - (b) postal services (including the provision of private post boxes, whether physical or electronic, and self-service facilities);
 - (c) money services (including banking services, the transport and handling of cash, payment processing, money transmission and money exchange);
 - (d) the sale or supply by wholesale or retail of stamps, coins, stationery and other goods;
 - (e) the management, storage, handling, printing, manipulation and destruction of documents and information (whether in physical or electronic form);
 - (f) mail preparation and product distribution services;
 - (g) services involving the communication of information (including sounds and images) in electronic form;
 - (h) services in connection with identity verification and authentication of documents;
 - (i) commercial transactions, business support and transaction processing in partnership with, or on behalf of, other persons;
 - (j) services of any kind (whether or not falling within any of the above categories) for any public authority or other public institution (whether established in the Island or elsewhere).⁷
- (2) The Post Office may, for the purpose of securing the effective exercise of any of the powers conferred on it by subsection (1) or in connection with or in consequence of an exercise thereof, do anything that appears to the Post Office to be requisite, advantageous or convenient for it to do, including in particular (but without prejudice to the generality of the foregoing words) —
 - (a) construct, manufacture, produce, purchase, take on hire, install, maintain and repair anything required for the purpose of its business;

- (b) construct, manufacture, produce or purchase for supply to others any article of a kind similar to any so required and install, maintain, repair and test for others articles of such a kind;
 - (c) provide others with the services of persons employed by it for the purpose of undertaking for them tasks of a kind which, in the course of the provision or performance by it of any service falling within subsection (1), are undertaken by persons so employed;
 - (d) provide, for the benefit of others, consultancy and advisory services concerning anything it does in exercise of its powers or has power to do and facilities for the training of persons for any purpose connected with anything that it so does or has power to do;
 - (e) enter into and carry out agreements with any person for the carrying on by him, whether as its agent or otherwise, of any of the activities which itself may carry on or for the carrying on jointly by him and it of any of those activities;
 - (f) provide philatelic services in connection with postal services provided by it, including the production, marketing and sale of stamps and products related to stamps for philatelic purposes;
 - (g) for the purposes of its business, subscribe for or acquire any securities of an incorporated company or other body corporate, to promote the formation of an incorporated company or participate in the promotion of such a company or to acquire an undertaking or part of an undertaking;
 - (h) do anything for the purpose of advancing the skill of persons employed by it or that of persons who, though not so employed, are engaging themselves, or have it in contemplation to engage themselves, in work of a kind in the case of which it has or may have a direct or indirect concern in the products thereof;
 - (i) provide assistance (including financial assistance) to any institution or body whose activities (or any of them) are such as, in its opinion, to be of benefit to it;
 - (j) carry for hire or reward passengers in vehicles used by it for the purposes of its business;
 - (k) enter into, and carry out, agreements with persons who carry on business as carriers of goods, for the carriage by it on their behalf of goods consigned to them for carriage by them;
 - (l) assist in the promotion of recreational activities for, and activities conducive to the welfare of, persons who are, or have been, engaged in its business or have been officers, servants or agents of the Post Office and the families of such persons.
- (3) For the avoidance of doubt, subsections (1) and (2) relate only to the capacity of the Post Office as a statutory corporation, and nothing in those

provisions shall be construed as authorising the disregard by it of any enactment or rule of law.

- (4) The Post Office shall not be regarded as a common carrier in respect of any of its activities.
- (5) The provisions of this section shall not be construed as limiting any power of the Post Office conferred by or under any subsequent provision of this Act.

4A Amendment of powers of Post Office

- (1) If it considers it expedient to do so, the Department may by order amend section 4(1).
- (2) Before making an order under this section the Department shall consult the Post Office.
- (3) An order under this section —
 - (a) may contain such consequential, incidental, supplemental and transitional provisions as the Department considers necessary or expedient for the purposes of the order, including amendment of this Act (other than this section) and any other enactment; and
 - (b) shall not have effect unless it is approved by Tynwald.⁸

Financial provisions

5 Financial duty of Post Office

- (1) The Post Office shall perform its functions so as to secure that (so far as consistent with any directions given to it under paragraph 12(1) of Schedule 2 to the *Statutory Boards Act 1987* and under this Act) its revenue is not less than sufficient to meet charges properly chargeable to revenue account, taking one year with another, and to enable the Post Office to make such allocations to reserves as it considers adequate or as the Treasury may direct under section 6(1).
- (2) The Post Office shall charge to revenue account in every year all charges that are proper to be made to revenue, including in particular proper provision for the depreciation of assets; and the reference in subsection (1) to charges properly chargeable to revenue account shall be construed accordingly.
- (3) Nothing in subsection (1) shall be construed as precluding the Post Office from making a surplus on revenue account, either generally or in any year.

6 Directions as to reserves and accounts

- (1) The Treasury may give to the Post Office directions as to —

- (a) any matter relating to the establishment or management of reserves;
 - (b) the sums to be allocated to those reserves; and
 - (c) the application of those reserves.
- (2) A direction under subsection (1)(b) requiring the allocation of any sum to reserve may require in addition that the sum be so allocated for a particular purpose specified in the direction.
- (3) The Treasury may give to the Post Office directions —
 - (a) requiring it to prepare separate accounts relating to any part of its undertaking; and
 - (b) prescribing the form and contents of such accounts;and any regulations under section 12 of the *Audit Act 2006*, so far as they apply to the Post Office, shall have effect subject to any such directions.⁹
- (4) The Post Office shall comply with any directions under this section.
- (5) The Treasury may give a direction under this section to have effect from a date earlier than that on which it is given.
- (6) Before giving any direction under this section the Treasury shall consult the Department and the Post Office.

7 Directions to transfer sums to General Revenue

- (1) The Post Office shall, in respect of any year specified in the direction, pay to the Treasury such sums as the Treasury may from time to time direct, and any sums received by the Treasury pursuant to such a direction shall be paid into the general revenue of the Island.
- (2) Before giving any direction under this section the Treasury shall consult the Department and the Post Office.
- (3) The Post Office shall comply with any direction under this section.

8 Restrictions on capital expenditure

[1984/7/9]

The Post Office shall with the approval of the Treasury settle a general programme of measures of reorganisation or works of development which involve substantial outlay on capital account, and before carrying out any such measures or works the Post Office shall consult with the Treasury.

9 Borrowing powers

[1984/7/10]

- (1) The Post Office shall not borrow any money except in accordance with this section.

- (2) The Post Office may borrow temporarily, by way of overdraft or otherwise, either from the Government or, with the consent of the Treasury, from any other person, such sums as the Post Office may require for meeting its obligations or performing its functions.
- (3) The Post Office may borrow from the Government, otherwise than by way of temporary loan, such sums as the Post Office may require for all or any of the following purposes —
 - (a) the provision of money for meeting any expenditure incurred by the Post Office in connection with any works, the cost of which is properly chargeable to capital account;
 - (b) the provision of any working capital required by the Post Office;
 - (c) the repayment of any sums borrowed by the Post Office under this section;
 - (d) any other purpose for which capital money is properly applicable by the Post Office, including the repayment of any sums borrowed by the Post Office under Part XII of the 1973 Act;
 - (e) any other payment which the Post Office is authorised to make and which ought, in the opinion of the Treasury, to be spread over a term of years.
- (4) References in this section to borrowing by the Post Office do not include receiving money in its capacity as the provider of any services or using money received in that capacity.

PART 2 – POSTAL SERVICES

Postal monopoly

10 Exclusive privilege with respect to conveyance of letters

[P1981/38/66]

- (1) Subject to the following provisions of this Part, the Post Office shall have throughout the Island the exclusive privilege of conveying letters from one place to another and of performing all the incidental services of receiving, collecting, despatching and delivering letters.
- (2) A person who —
 - (a) does any act, or performs any service, which infringes the exclusive privilege conferred on the Post Office by subsection (1); or
 - (b) causes to be conveyed, or tenders or delivers in order to be conveyed, any letter by any means which infringes that privilege,is guilty of an offence.
- (3) A person guilty of an offence under this section is liable —

- (a) on summary conviction, to a fine not exceeding £5,000;
 - (b) on conviction on information, to a fine.
- (4) Where a body corporate is guilty of an offence under this section and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and is liable to be proceeded against and punished accordingly.

Where the affairs of a body corporate are managed by its members, this subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

- (5) In this section and section 11 —

“**correspondent**”, in relation to a letter or other communication, means the sender or the addressee;

“**employee**”, in relation to a body corporate, includes any officer or director of the body corporate and any other person taking part in its management, and “**employer**” and other cognate expressions shall be construed accordingly;

“**letter**” means any communication in written form which —

- (a) is directed to a specific person or address;
- (b) relates to the personal, private or business affairs of, or the business affairs of the employer of, either correspondent; and
- (c) neither is to be nor has been transmitted by means of a telecommunication system,

and includes a packet containing any such communication;

“**sender**”, in relation to any letter or other communication, means the person whose communication it is.

- (6) References in this Part to services which, by virtue of the provisions of this Part, the Post Office has the exclusive privilege of providing are references to services the provision of which by a person other than the Post Office would necessarily infringe the privilege conferred by subsection (1); and for this purpose licences granted under section 12(l) shall be disregarded.

11 General classes of acts not infringing privilege

[P1981/38/67]

- (1) The privilege conferred on the Post Office by section 10(1) is not infringed by —
- (a) the conveyance and delivery of a letter personally by the sender;

- (b) the conveyance and delivery of a letter by a personal friend of the sender;
 - (c) the conveyance and delivery of a letter by a messenger sent for the purpose by either correspondent;
 - (d) the conveyance and delivery of any document issuing out of a court of justice or of any return or answer thereto;
 - (e) the 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 addressees by any person employed for the purpose by those merchants, so however that no payment or reward, profit or advantage whatever is given or received for the conveyance or delivery of those letters;
 - (f) the conveyance and delivery of letters by any person, being letters concerning and for delivery with goods carried by that person, so however that no payment or reward, profit or advantage whatever is given or received for the conveyance or delivery of those letters;
 - (g) the conveyance and delivery to the Post Office of prepaid letters for conveyance and delivery by the Post Office to the addressees, and the collection of such letters for that purpose;
 - (h) the conveyance and delivery of letters by a person who has a business interest in those letters, and the collection of letters for that purpose;
 - (i) the conveyance and delivery of banking instruments from one bank to another or from a bank to a Department, and the collection of such instruments for that purpose.
- (2) Nothing in paragraphs (a) to (f) of subsection (1) authorises any person to make a collection of letters for the purpose of their being conveyed in any manner authorised by those paragraphs.
- (3) For the purposes of subsection (1)(h) a person has a business interest in a letter if, and only if —
- (a) he is an employee of one of the correspondents or of a member of the same group as one of the correspondents and the letter relates to the business affairs of that correspondent; or
 - (b) he and one of the correspondents are employees of the same person or of different members of the same group and the letter relates to the business affairs of that person or, as the case may be, the employer of that correspondent.
- (4) In this section —
- “bank” means —
- (a) the Bank of England;

- (b) the holder of a licence under section 7 of the *Financial Services Act 2008* in respect of deposit taking;¹⁰
- (c) the central bank of a member State other than the United Kingdom;

“banking instrument” means —

- (a) any cheque or other instrument to which section 4 of the *Bills of Exchange Act 1958* applies;
- (b) any document issued by a public officer which is intended to enable a person to obtain payment from a Department or a government department of the United Kingdom of the sum mentioned in the document;
- (c) any bill of exchange not falling within paragraph (a) or (b) or any promissory note;
- (d) any postal order or money order;
- (e) any credit transfer, credit advice or debit advice; or
- (f) any list of items, or any copy of an item, falling within the foregoing paragraphs;

“group” means a body corporate and all of its wholly owned subsidiaries taken together;

“prepaid letter” includes any letter which, in pursuance of arrangements made with the Post Office, does not require to be prepaid:

“ship” includes any boat, vessel or hovercraft.

12 Saving for things done under licence

[P1981/38/68]

- (1) A licence may be granted by the Department after consultation with the Treasury and the Post Office, either unconditionally or subject to any conditions specified in the licence, and either irrevocably or subject to revocation as therein specified, for the doing of any such act or the performance of any such service falling within section 10(1) as is specified in the licence; and anything done under and in accordance with a licence granted under this subsection shall not constitute an infringement of the privilege conferred by section 10(1).
- (2) A licence granted under subsection (1) shall, unless previously revoked in accordance with any term in that behalf contained in the licence, continue in force for such period as may be specified therein.
- (3) A licence granted under subsection (1) may be granted either to persons of a class or to a particular person, and may include (without prejudice to the power to impose conditions conferred by that subsection) conditions requiring the rendering to the Department or the Post Office or both of a payment on the grant of the licence or periodic payments during the currency of the licence or both.

- (4) A payment required by virtue of this section to be rendered to any person may be recovered by that person in any court of competent jurisdiction as if it were a simple contract debt.
- (5) A licence granted under subsection (1) to persons of a class shall be published in such manner as appears to the Department to be appropriate for bringing it to the attention of the persons for whose benefit it will enure, and a licence expressed to be so granted must be in writing.
- (6) For the purposes of a licence granted under subsection (1), the definition of a class of persons may be framed by reference to any circumstances whatever.
- (7) Any sums received by the Department under this section shall be paid into the general revenue of the Island.

General provisions

13 Charges terms and conditions

[1973/12/6 and 7; P1953/36/8(3); P1969/48/28]

- (1) The Post Office may make, as respects any of the services provided by it, a scheme for determining either or both of the following, namely —
 - (a) the charges which (save in so far as they are the subject of an agreement between it and a person availing himself of those services) are to be made by it; and
 - (b) the other terms and conditions which (save as aforesaid) are to be applicable to those services;but so that, except for the purposes of section 19, no provision be included in any such scheme for limiting liability of the Post Office for loss or damage or for amending the rules of law with respect to evidence.¹¹
- (2) A scheme under this section may in all or any cases leave the determination of the charges and other terms and conditions as respects the services to which they relate to the Post Office subject to such (if any) conditions and limitations as may be provided for in the scheme.
- (3) A scheme under this section may, as respects the services to which it relates, specify the manner in which, time at which and person by whom the charges that are to be applicable are to be paid.
- (4) A scheme under this section may make different provision for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme.
- (5) A charge exigible by virtue of this section may be recovered by the Post Office in any court of competent jurisdiction as if it were a simple contract debt.

- (6) Before making a scheme under this section the Post Office shall consult the Department, and any such scheme shall be laid before Tynwald as soon as may be after it is made.
- (7) If any postal packet is posted, or sent by post in contravention of this Act or of any scheme under this section the transmission of the packet 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 such scheme as to additional postage or other charges, or may be destroyed or otherwise disposed of as the Post Office may direct.

14 Prohibition on sending certain articles

[1973/12/8; P1953/36/11]

- (1) A person shall not send or attempt to send or procure to be sent a postal packet which —
 - (a) save as the Post Office 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 any person engaged in the business of the Post Office; or
 - (b) encloses any indecent or obscene print, painting, photograph, lithograph, engraving, cinematograph film, videotape, 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) Any person who contravenes subsection (1) is guilty of an offence and liable —
 - (a) on summary conviction to a fine not exceeding £5,000, or
 - (b) on conviction on information to imprisonment for a term not exceeding 12 months.
- (3) The detention by the Post Office of any postal packet on the grounds of a contravention of this section or of any provisions of a scheme under section 13 shall not exempt the sender from any proceedings which might have been taken if the packet had been delivered in due course of post.

15 Application of customs Acts

[1973/12/9 and 74; P1953/36/16; P1983/55/24(4)]

- (1) Subject to the provisions of this section, the statutory provisions for the time being in force relating to customs or excise shall apply in relation to goods contained in postal packets to which this section applies brought into or sent out of the Island by post from or to any place outside the Island as they apply in relation to goods otherwise imported, exported or removed into or out of the Island from or to any such place.
- (2) The Treasury, after consultation with the Post Office, may make regulations –
 - (a) for specifying the postal packets to which this section applies;
 - (b) for making modifications or exceptions in the application of the said statutory provisions to such packets;
 - (c) for enabling persons engaged in the business of the Post Office to perform for the purposes of the said statutory provisions 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 government of any other country or overseas administration with respect to overseas postal packets;
 - (e) for securing the observance of the said statutory provisions and, without prejudice to any liability of any person under those provisions, for punishing any contravention of the regulations.¹²
- (3) Duties (whether of customs or excise) or other charges payable in respect of packets to which this section applies (whether payable to the Government of the Island or the government of any other country) may be recovered by the Post Office as simple contract debts.
- (4) In any proceedings for the recovery of any charges so payable, a certificate of the Post Office of the amount thereof shall be sufficient proof thereof unless the contrary is shown.
- (5) Regulations under this section may make special provision in relation to value added tax.
- (6) Regulations under this section shall not have effect unless they are approved by Tynwald.
- (7) In this section, “statutory provisions” includes –
 - (a) any retained EU law; and
 - (b) any EU instrument applied to the Island under the *European Union and Trade Act 2019*.¹³
- (8) [Repealed]¹⁴

16 Detention of packets containing contraband

[1973/12/10; P1953/36/17]

- (1) Without prejudice to section 15, the Post Office shall detain any postal packet suspected to contain any goods chargeable with any duty charged on imported goods (whether a customs or an excise duty) which has not been paid or secured or any goods in the course of importation, exportation or removal into or out of the Island contrary to any prohibition or restriction for the time being in force with respect thereto under or by virtue of any statutory provision and shall forward the packet to the Treasury.
- (2) Where any postal packet has been forwarded to the Treasury under this section, it may open and examine the packet, either —
 - (a) in the presence of the person to whom the packet is addressed; or
 - (b) in his absence if, after notice in writing from the Treasury requiring his attendance left at or forwarded by post to the address on the packet, he fails to attend, or if the address on the packet is outside the Island.
- (3) Where the Treasury opens and examines a postal packet under this section, —
 - (a) if it finds any such goods as aforesaid it may detain the packet and its contents for the purpose of taking proceedings with respect thereto;
 - (b) if it finds no such goods, it 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.

17 Evidence of amount due for postage etc

[1973/12/11; P1953/36/19]

- (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 overseas administration and whether the sum is marked as being due to the Post Office or otherwise, shall in every court be sufficient proof of the liability of the packet to the sum so marked unless the contrary is shown.
- (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 or any overseas 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, a certificate of the Post Office that any mark, stamp or endorsement is such a mark, stamp or endorsement as is

mentioned in subsection (1) or (2) shall be sufficient proof thereof unless the contrary is shown.

- (4) In any such proceedings, 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.

Limitation of liability

18 Exclusion of liability for post

[1973/12/12; P1969/48/29; P1981/38/70]

- (1) Save as provided by section 19 no proceedings in tort shall lie against the Post Office in respect of any loss or damage suffered by any person by reason of anything done or omitted to be done in relation to anything in the post or omission to carry out arrangements for the collection of anything to be conveyed by post.
- (2) No officer or servant of the Post Office or person who, not being such an officer or servant, is a sub-postmaster shall be subject, except at the suit of the Post Office, to any civil liability for any loss or damage in the case of which liability of the Post Office therefor is excluded by subsection (1) or any loss of, or damage to, a packet to which section 19 applies.
- (3) No person engaged in or about the carriage of mail and no officer, servant, agent or sub-contractor of such person shall be subject, except at the suit of the Post Office, to any civil liability for any loss or damage in the case of which liability of the Post Office therefor is excluded by subsection (1) or any loss of, or damage to, a packet to which section 19 applies.

19 Limited liability for registered post

[1973/12/13; P1969/48/30; P1981/38/70]

- (1) This section applies to any packet —
 - (a) which is posted in the Island for delivery at a place in the Island or the United Kingdom to the person to whom it is addressed, and
 - (b) in respect of which, in pursuance of a scheme under section 13, the Post Office accepts liability under this section.
- (2) Subject to the provisions of this section, proceedings shall lie against the Post Office under this section, but not otherwise, in respect of loss of, or damage to, a packet to which this section applies in so far as the loss or damage is due to any wrongful act done or any neglect or default committed by an officer, servant or agent of the Post Office while performing or purporting to perform his functions as such in relation to the receipt, carriage, delivery or other dealing with the packet; but no proceedings shall lie under this section in relation to a packet unless begun

within the period of 12 months beginning with the day on which the packet was posted.

- (3) For the purposes of any proceedings under this section in relation to a packet it shall be presumed, until the contrary is shown, that loss of, or damage to, the packet was due to a wrongful act done, or neglect or default committed by, an officer, servant or agent of the Post Office while performing or purporting to perform such functions of his as aforesaid.
- (4) The amount recoverable in any proceedings under this section in relation to a packet of any description shall not exceed —
 - (a) the market value of the packet at the time when the cause of action arises; or
 - (b) the maximum amount payable under a scheme under section 13 for compensating the person aggrieved in respect of a packet of that description;

and for the purposes of paragraph (a) the market value of a packet shall not include the market value of any message or information which it bears or the market value of any item which, in relation to packets of that description, is excluded from the operation of this section by a scheme under section 13.

- (5) The Post Office shall not be liable under this section in respect of a packet of any description unless any such conditions as are required by a scheme under section 13 to be complied with in relation to packets of that description at the time when they are posted have been complied with in the case of the packet.
- (6) No relief shall be available under this section in relation to a packet except upon a claim by the sender or the addressee of the packet; and the sender or addressee of the packet shall be entitled —
 - (a) to claim any relief available under this section in respect of the packet, whether or not he is the person damnified by the injury complained of, and
 - (b) to give a good discharge in respect of all claims in respect of the packet under this section,

but where the court is satisfied, upon an application by a person who is not the sender or addressee of the packet, that the sender and the addressee are unable or unwilling to enforce their remedies in respect of the packet under this section, the court may, upon such terms as to security, costs, expenses and otherwise as the court thinks just, allow that other person to bring proceedings under this section in the name of the sender or the addressee of the packet.

- (7) Where, by virtue of subsection (6), a person recovers any money or property which, apart from that subsection, would have been recoverable

by some other person, the money or property so recovered shall be held on trust for that other person.

- (8) For the purposes of this section a scheme under section 13 may define a description of packet by reference to any circumstances whatever, including in particular the amount of any fee paid in respect of the packet in pursuance of the scheme.
- (9) In this section —
- “agent” includes an independent contractor;
- “sender”, in relation to a packet, has such meaning as may be assigned to it by any provision of a scheme under section 13, being a provision relating to packets to which this section applies;
- and any reference in this section to the sender or addressee of a packet includes a reference to his personal representatives.

Money and postal orders

20 Money and postal orders

[1973/12/14; P1969/48/70]

- (1) Where, in the Island, a money or postal order issued by the Post Office is presented for payment by a banker to whom it has been delivered for collection, payment of it to him discharges it.
- (2) Where, in the Island —
- (a) an uncrossed money or postal order issued by the Post Office, being an order expressed to be payable to a person specified or described therein and being, or purporting to be, signed by him or on his behalf; or
- (b) an uncrossed postal order so issued, being an order not expressed to be payable to such a person is presented for payment otherwise than by a banker to whom it has been delivered for collection,
- payment of the order to the person by whom it is presented discharges it.
- (3) A money or postal order issued by the Post Office is discharged by the payment thereof outside the Island in accordance with arrangements in that behalf made by the Post Office.
- (4) Where a money or postal order issued by an overseas administration is paid by the Post Office to a banker to whom it has been delivered for collection on behalf of a person other than the true owner of the order, the Post Office shall not be liable to the true owner of the order by reason of having paid it to that banker.
- (5) Where —

- (a) an uncrossed money or postal order issued by an overseas administration, being an order expressed to be payable to a person specified or described therein and purporting to be signed by him or on his behalf; or
- (b) an uncrossed postal order so issued, being an order not expressed to be payable to such a person;

is presented to the Post Office for payment otherwise than by a banker to whom it has been delivered for collection or the true owner of the order, payment of the order by the Post Office to the person presenting it shall not render the Post Office liable to the true owner of the order.

- (6) No proceedings shall lie against the Post Office for loss or damage due to refusal by it to pay, or delay by it in paying, a money or postal order issued by it or an overseas administration.
- (7) A scheme under section 13 may provide that a money or postal order issued by the Post Office or an overseas administration will not after the expiration of a specified period, be paid by the Post Office except on satisfaction of specified conditions.
- (8) References in this section (except subsection (3)) to a money order issued by the Post Office shall be construed as including reference to an order issued by it in pursuance of such an arrangement as is mentioned in section 25, being an order which is for the payment of money in the Island and corresponds to a money order issued by the Post Office.

21 Collection of postal orders

[1973/12/15; P1953/36/21(3)]

- (1) Any person acting as a banker in the Island who, in collecting in that capacity for any principal, has received payment or been allowed by the Post Office 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.
- (2) This section 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.

22 Loss on money orders wrongly paid

[1973/12/16; P1969/48/71]

- (1) Where, after payment by the Post Office to a banker to whom it has been delivered for collection of a money order issued by the Post Office or an overseas administration, it is found that it ought not to have been paid, the sum paid may be deducted from sums subsequently falling to be paid by

the Post Office to that banker by way of payment of money orders so issued that have been delivered to him for collection.

- (2) References in this section to a money order issued by the Post Office shall be construed as including references to an order issued by it in pursuance of such an arrangement as is mentioned in section 25, being an order which is for the payment of money in the Island and corresponds to a money order issued by the Post Office.

23 Fraudulent issue of money or postal order

[1973/12/17; P1953/36/22]

- (1) If any person engaged in the business of the Post Office grants or issues any money or postal order with a fraudulent intent, he shall be guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 7 years.
- (2) If any person engaged in the business of the Post Office re-issues a money or postal order previously paid, he shall be deemed to have issued the order with a fraudulent intent for the purposes of this section.

24 Forgery etc of money or postal order

[1973/12/18; P1953/36/23]

- (1) A money or postal order shall be deemed to be an order for the payment of money and a valuable security within the meaning of the *Forgery Act 1952*.
- (2) If any person —
 - (a) with intent to defraud obliterates, adds to or alters any such lines or words on a money or postal order as would, in the case of a cheque, be a crossing of that cheque, or
 - (b) knowingly offers, utters or disposes of any money or postal order with such fraudulent obliteration, addition or alteration,

he is guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 14 years.

25 Arrangements with other countries

[1973/12/19; P1953/36/24]

Where an arrangement is made with a government of any other country or an overseas administration for the transmission of small sums through post offices under the charge of the Post Office and the overseas administration by means of orders for the payment of money, sections 21, 23 and 24 shall, so far as applicable, apply in like manner as if an order issued in pursuance of the arrangement, whether by a person engaged in the business of the Post Office or by an officer of the other postal administration, were a money order or postal order.

*Stamps***26 Provision of stamps**

[1973/12/20; J1969/20/17]

- (1) The Post Office shall from time to time cause stamps to be provided of such kinds and denoting such values as may be deemed necessary for the purposes of any of the services provided by it under this Act.
- (2) The Post Office may by notice published in one or more newspapers published and circulating in the Island direct that any stamp provided by it and in use in the Island at the time of the notice shall, as from and after a day to be stated in the notice, be no longer valid for such purpose as shall be specified in the notice.
- (3) Any person having in his possession any stamps invalidated by the Post Office under subsection (2) may, at any time within 6 months after the date stated in the notice, surrender them to a person engaged in the business of the Post Office who shall exchange them for other valid stamps provided by the Post Office of an equivalent value.

*Conveyance of mail by sea and air***27 Outward bound ships**

[1973/12/24; P1953/36/25]

- (1) The master of every ship outward bound from a port or harbour within the Island to any port or place outside the Island shall receive on board his ship every mail bag tendered to him by a person engaged in the business 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.
- (2) If the master of any such ship fails without reasonable excuse to comply with this section he is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

28 Inward bound ships and aircraft

[1973/12/25; P1953/36/26]

- (1) Subsections (2) to (4) apply in relation to a ship or aircraft inward bound carrying any postal packets within the exclusive privilege of the Post Office, not being packets to which section 29 applies.
- (2) The master of the ship or commander of the aircraft shall —
 - (a) 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 Post Office; and

- (b) without delay deliver them to a person engaged in the business of the Post Office demanding them or, if no demand is made by that person, then at the post office with which he can first communicate.
- (3) If the master of the ship or commander of the aircraft does not comply with subsection (2) he is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.
- (4) If the master of the ship or commander of the aircraft breaks bulk on board his ship or aircraft in any port or place before he has complied with subsection (2), he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (5) An officer of customs and excise 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) An officer of customs and excise may search any inward bound ship or aircraft for, and seize, any postal packets within the exclusive privilege of the Post Office and forward any such packets seized to the nearest post office; and section 13(7) applies in relation to any packet so forwarded.

29 Owners' letters

[1973/12/26; P1953/36/27]

- (1) Subsections (2) and (3) 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 Post Office, complies with the following conditions —
 - (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 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 the Island shall be delivered by post on payment of local postage only.
- (4) If any person with intent to evade any postage falsely superscribes 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, he is guilty of an offence and liable on summary conviction to a fine not exceeding £200.

30 Retaining mail after delivery of part

[1973/12/27; P1953/36/28]

- (1) 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 Post Office, 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 liable on summary conviction to a fine not exceeding £200 for every such packet.
- (2) If any such person detains any such packet after demand made either by an officer of customs and excise or by any person authorised by the Post Office to demand the packet on board the ship or aircraft, he is guilty of an offence and liable on summary conviction to a fine not exceeding £200 for every such packet detained.

31 Opening mailbags in transit

[1973/12/29; P1953/36/32]

- (1) If the master of a ship or commander of an aircraft —
 - (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,he is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.
- (2) If any 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, breaks the seal, or in any manner intentionally opens them, he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

32 Harbour dues etc

[1973/12/54 and 55; P1969/48/66 and 67]

- (1) This section applies to —
 - (a) mail bags carried by the Post Office or consigned by it to another for carriage (whether to an overseas administration or not) or by an overseas administration to it for carriage; and
 - (b) mail bags consigned by one overseas administration to another, being mail bags which, when in the Island, are in the charge of the Post Office.

- (2) No dues charged by the Department of Infrastructure under section 38 of the *Harbours Act 2010* in respect of goods brought into, taken out of, or carried through a harbour vested in the said Department apply to goods contained in mail bags to which this section applies.¹⁵
- (3) Dues in respect of mail bags to which this section applies and their contents exigible by the said Department at a harbour vested in that Department are, notwithstanding anything in any statutory provision made with respect to that Department, not payable before the expiration of the period of 8 weeks beginning with the day on which the bags are brought within the limits of the harbour, and are recoverable by means of proceedings instituted in that behalf in any court of competent jurisdiction to the exclusion of any other means.
- (4) Nothing in any statutory provision made (whether before or after this Act) with respect to a harbour vested in the said Department extends to regulate or subject to control mail bags to which this section applies.

PART 3 – GENERAL OFFENCES

Offences

33 Taking or opening mailbag

[1973/12/33; P1953/36/53]

If any person —

- (a) 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
- (b) unlawfully takes a postal packet in course of transmission by post out of a mail bag so sent,

he is guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 5 years.

34 Retaining mailbag or packet

[1973/12/35; P1953/36/55]

If any person fraudulently retains, or intentionally secretes or keeps, or detains or, when required by a person engaged in the business 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 any other person,

he is guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 2 years or to a fine, or to both.

35 Diverting mail

[1973/12/36; P1953/36/56]

- (1) If any person not engaged in the business of the Post Office intentionally, with intent to injure any other person —
 - (a) opens or causes to be opened any postal packet which ought to have been delivered to that other person, or
 - (b) does any act or thing whereby the due delivery of the packet to that other person is prevented or impeded,

he is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £5,000, or to both.

- (2) Nothing in this section applies to a person who does any such act where he is parent, or in the position of parent or guardian, of the person to whom the postal packet is addressed.
- (3) In this section “postal packet” means a postal packet which is in the course of transmission by post or which has been delivered by post.

36 Secreting mail

[1973/12/37; P1953/36/57]

If any person engaged in the business of the Post Office secretes a postal packet in course of transmission by post, he is guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 7 years.

37 Opening or delaying mail

[1973/12/38; 1988/18/12(2); P1953/36/58]

- (1) If any person engaged in the business of the Post Office, contrary to his duty —
 - (a) opens, or procures or suffers to be opened, any postal packet in course of transmission by post, or
 - (b) intentionally detains or delays or procures or suffers to be detained or delayed any such postal packet,

he is guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 2 years or to a fine, or to both.

- (2) Nothing in this section applies to the opening, detaining or delaying of a postal packet —
 - (a) returned for want of a true direction, or

- (b) returned because the person to whom it is directed has refused it, or has refused or neglected to pay the postage thereof, or because it cannot for any other reason be delivered, or
- (c) under the authority of this Act, or
- (d) in obedience to a warrant issued under section 2 of the *Interception of Communications Act 1988*.

38 Misconduct by postal staff etc

[1973/12/39; P1953/36/59]

If any 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 —

- (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 of it, to ride in the place appointed for the person in charge thereof in or upon any vehicle used for the conveyance of it, or to ride in or upon a vehicle so used and not licensed to carry passengers;
- (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,

he is guilty of an offence and liable on summary conviction to a fine not exceeding £500.

39 Harming mail in post boxes

[1973/12/40; P1953/36/60]

If any person —

- (a) places or attempts 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
- (b) commits a nuisance in or against any post office letter box; or
- (c) does or attempts to do anything likely to injure a post office letter box or its appurtenances or contents,

he is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £5,000, or on conviction on information to imprisonment for a term not exceeding 12 months.

40 Sticking bills to post boxes

[1973/12/41; P1953/36/61]

If any person —

- (a) without due authority affixes or attempts to affix any placard, advertisement, notice, list, document, board or thing in or on, or paints or tars, any post office, post office letter box, or other property belonging to or used by or on behalf of the Post Office; or
- (b) in any way disfigure any such office, box, or property,

he is guilty of an offence and liable on summary conviction to a fine not exceeding £200.

41 Imitation stamps, marks etc

[1973/12/42; P1953/36/62]

If any person without due authority —

- (a) makes, issues or sends by post or otherwise any envelope, wrapper, card, form or paper in imitation of one issued by or under the authority of the Post Office or of any overseas administration, or having on it any words, letters or marks which signify or imply or may reasonably lead the recipient of it to believe that a postal packet bearing them is sent on Her Majesty's service or on behalf of the Post Office; or
- (b) makes 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 Post Office or under any overseas administration, or any words, letters or marks which signify or imply or may reasonably lead the recipient of it to believe that a postal packet bearing them is sent on Her Majesty's service or on behalf of the Post Office; or
- (c) issues or sends by post or otherwise any envelope, wrapper, card, form or paper so marked,

he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

42 Fictitious stamps

[1973/12/43; P1953/36/63]

- (1) Except for such purposes as may be approved by the Post Office in writing and in accordance with such (if any) conditions as may be attached to the approval, a person shall not —

- (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) A person shall not knowingly use for the purpose of the Post Office any fictitious stamp.
- (3) If any person contravenes subsection (1) or (2), he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (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 or removal into the Island from a place outside the United Kingdom and a member State of the European Union —
- (a) of any facsimile, imitation or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage, whether of the Island or any overseas administration; or
 - (b) of any die, plate, instrument or materials for making such a facsimile, imitation or representation,
- is prohibited.¹⁶
- (6) In this section “fictitious stamp” means any facsimile, imitation or representation, whether on paper or otherwise, of —
- (a) any stamp or other mark or impression for the time being authorised or required to be used for the purposes of the Post Office, or
 - (b) any current stamp for denoting a rate of postage of any overseas administration.

43 Removing or re-using stamps

[1973/12/44; P1891/39/9]

- (1) If any person —
- (a) fraudulently removes a stamp from a postal packet with intent that the stamp may be used again; or
 - (b) uses for any postal purpose any stamp which has been so removed; or
 - (c) sells or offers for sale, or alters, any stamp which has been so removed, with intent that it may be used again;

he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- (2) In this section “stamp” means any stamp for denoting a rate of postage.

44 False notice as to letter box etc

[1973/12/45; P1953/36/64]

- (1) A person shall not without the authority of the Post Office place or maintain in or on any house, wall, door, window box, post or pillar, or other place belonging to him or under his control, any of the following words, letters or marks —
- (a) the words “post office” or “oik postagh”;
 - (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.
- (2) A person shall not without the authority of the Post Office —
- (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”, “Post Office”, “Oik Postagh”, “Isle of Man Mail” or “Isle of Man 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 Post Office or with its authority for the purpose of collecting or conveying postal packets, or that he or that other person is authorised by the Post Office to collect or convey such packets.
- (3) Every person, when required by a notice given by the Post Office —
- (a) to remove or efface any such words, letters or marks as are mentioned in subsection (1) or (2);
 - (b) 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.
- (4) If any person contravenes this section, he is guilty of an offence and liable on summary conviction to a fine not exceeding £200.

45 Obstructing or molesting postal staff

[1973/12/46; P1953/36/65]

- (1) If any person —

- (a) intentionally obstructs or molests, or incites anyone to obstruct or molest, a person engaged in the business of the Post Office in the execution of his duty, or
- (b) 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,

he is guilty of an offence and liable on summary conviction to a fine not exceeding £200.

- (2) Any person engaged in the business of the Post Office may require a person who is committing or has committed an offence under this section to leave a post office or any premises mentioned in subsection (1)(b).
- (3) If a person refuses or fails to comply with a requirement under subsection (2), he is guilty of an offence and liable on summary conviction to a further fine not exceeding £1,000, and may be removed by any person engaged in the business of the Post Office, and any constable shall on demand remove or assist in removing any such person.

46 Affixing certain labels etc

[1973/12/48; G1969/14/6]

- (1) Any person who affixes or attaches, or requires or authorises any other person to affix or attach, to any letter within the exclusive privilege of the Post Office any label, mark or other device to which this section applies is guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (2) This section applies to a label, mark or other device indicating, intended to indicate or capable of being taken as indicating that a sum of money, other than postage or other sums chargeable in respect of postal packets by virtue of a scheme under section 13, has been paid for the purposes of collecting, conveying or delivering the postal packet or performing any services incidental thereto.
- (3) In this section “postal packet within the exclusive privilege of the Post Office” means any postal packet the conveying of which is the exclusive privilege of the Post Office by virtue of section 10(1).

Legal proceedings

47 Time-limit for summary proceedings

[1973/12/49; P1953/36/69]

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.

48 Evidence as to postal packets

[1973/12/51; 1981/21/1/12; P1953/36/72; P1968/60/2/1]

- (1) On the prosecution of any offence against this Act, whether summarily or on information, evidence that any article is in the course of transmission by post, or has been accepted on behalf of the Post Office for transmission by post, shall be sufficient evidence that the article is a postal packet.
- (2) In any proceedings for an offence under sections 33 to 37, section 29(5) of the *Theft Act 1981* applies as it is expressed to apply to proceedings for the theft of anything in the course of transmission by post; and, in the case of proceedings under section 33, a statutory declaration made by any person that a vessel, vehicle or aircraft was at any time employed by or under the Post Office or the UK Post Office for the transmission of postal packets under contract shall be admissible as evidence of the facts stated in the declaration subject to the same conditions as, under section 29(5)(a) and (b) of the *Theft Act 1981*, apply to declarations admissible under section 29(5).

PART 4 – MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

49 Inviolability of mails

[1973/12/53; P1969/48/64]

- (1) Subject to the provisions of this section, a packet in the post, anything contained in a packet in the post and a mail bag containing a packet in the post have immunity from —
 - (a) examination under a power conferred by or under any statutory provision (whether made or enacted before or after this Act),
 - (b) seizure or detention under such power,
 - (c) seizure under distress or in execution, and
 - (d) retention by virtue of a lien.
- (2) The Post Office and a person who is engaged in its business are entitled to immunity from prosecution —
 - (a) for possession of any thing contained in a packet in the post, being a thing whose possession is prohibited by or under any statutory provision (whether made before or after this Act), and
 - (b) for failure to comply, as respects anything contained in a packet in the post, with any condition or restriction imposed by or under any such provision (whether made before or after this Act) with respect to its possession, carriage or delivery.
- (3) Subsection (1) does not apply —

- (a) to a power conferred by an enactment for the time being in force relating to customs in its application by virtue of section 15 of this Act or any regulations under that section to goods contained in postal packets;
- (aa) to the powers conferred by Part VA of the *Customs and Excise Management Act 1986* (importation and exportation of cash) in relation to cash contained in postal packets;¹⁷
- (ab) to the powers conferred by Chapter 3 of Part 1 of the *Proceeds of Crime Act 2008* (recovery of cash in summary proceedings) in relation to cash contained in postal packets;¹⁸
- (b) to postal packets which are suspected to contain a controlled drug or a scheduled substance within the meaning of the *Misuse of Drugs Act 1976*, or
- (c) to the powers conferred by sections 16 and 28(6).¹⁹

50 Provision of letter boxes

- (1) Subject to subsection (2), the Post Office may —
 - (a) place and maintain post office letter boxes in any highway; and
 - (b) with the consent of the person or authority having control thereof, affix a post office letter box to any post or other structure in a highway or other street or public place.
- (2) The Post Office may not place a post office letter box, or affix a post office letter box to a post or other structure, in a highway without the consent of the Department of Infrastructure.²⁰

51 Private posting boxes

[1973/12/57; P1953/36/78]

- (1) Where it appears to the Post Office 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, the Post Office —
 - (a) may declare that that post office letter box shall be a private posting box, and
 - (b) 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 enactment, 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 of the Post Office to the effect that any box or receptacle is or was provided by the Post Office for the purpose of receiving postal packets or any class of postal packets, shall in any legal proceedings be sufficient proof of the fact stated in the certificate unless the contrary is shown.

52 Surrender of clothing by former staff

[1973/12/58; P1953/36/79]

- (1) Where a person engaged in the business of the Post Office ceases to be so engaged (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 Post Office all articles (whether uniform, accoutrements, appointments or other necessities) which have been issued to the person ceasing to be engaged by the Post Office for the execution of his duty and are not the property of that person, and shall deliver the articles in good condition, fair wear and tear only excepted.
- (2) If any person fails to comply with subsection (1) he is guilty of an offence and liable on summary conviction –
- (a) to a fine not exceeding £200, and
 - (b) to pay such further sum not exceeding £20 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 justice of the peace may issue a warrant by virtue of which a constable 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.

53 Priority of debts due to Post Office

[1973/12/70]

Any debt recoverable by the Post Office under this Act shall not for the purposes of the *Preferential Payments Act 1908* be deemed to be a debt due to the Crown.

54 Evidence of overseas charges

[1973/12/56; P1969/48/69(3)]

In any proceedings by or against the Post Office to which the rate at which a charge was levied at any time, in respect of a service, by an authority outside the Island is material, a certificate of the Post Office that the charge was levied at that rate at that time in respect of that service by that authority shall be conclusive evidence of that fact.

55 Payment of certain expenses by Post Office

[1973/12/67]

- (1) The Post Office may pay reasonable expenses incurred by it on account of or in connection with —
 - (a) the public opening or inspection of the post office undertaking or any part thereof;
 - (b) the provision of refreshments for its representatives and any other persons attending conferences or meetings in connection with the said undertaking;
 - (c) the reception and entertainment of persons representative of or connected with postal services or other public services and the supply of information to such persons.
- (2) The Post Office may pay reasonable subscriptions, whether annually or otherwise, to the funds of any scientific or other body (not carrying on a business for profit) which is engaged, or whose members are engaged, in research or keeping of records of value in the administration of postal services and the reasonable expenses of the attendance of any members or officers of the Post Office at conferences or meetings of any such society or body and the cost of publishing reports and contributing towards the expenses of the proceedings of any such conference or meetings.

56 Powers of entry and search

- (1) Where a justice of the peace is satisfied by information on oath given by an officer of the Post Office that there are reasonable grounds for believing —
 - (a) that an offence under this Act is being committed on any premises, or
 - (b) that evidence that such an offence has been committed is in those premises,he may issue a warrant authorising the officer, accompanied by a constable, to enter and search the premises, using such reasonable force as is necessary.
- (2) A warrant under this section remains in force for 28 days from the date of its issue.
- (3) In executing a warrant under this section an officer of the Post Office may seize any article if he reasonably believes that it is evidence that an offence under this Act has been committed.
- (4) The powers conferred by this section do not extend to authorising a search for, or the seizure of, items subject to legal privilege.

- (5) If a person intentionally obstructs another person in the exercise of a power conferred on the other person by this section, he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (6) If a person who has entered on any land in pursuance of this section discloses to another person information obtained by him there about a manufacturing process or trade secret, then, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter on the land, he is guilty of an offence and liable —
- (a) on summary conviction, to a fine not exceeding £5,000; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years to a fine or both.
- (7) In this section “items subject to legal privilege” and “premises” have the same meanings as in section 22 of the *Criminal Justice Act 1991*.

57 Liability for rates

[1973/12/71]

For the avoidance of doubt it is hereby declared that the Post Office is not exempt from the payment of rates within the meaning of the *Rating and Valuation Act 1953*.

Supplemental

58 Interpretation

(1) In this Act —

“**the 1972 Act**” means the *Isle of Man Post Office Authority Act 1972*;

“**the 1973 Act**” means the *Isle of Man Post Office Authority (Postal Services Etc.) Act 1973*;

“**banker**” includes a body of persons, whether incorporated or not, who carry on the business of banking;

“**cash on delivery service**” means a service whereby the Post Office or an overseas administration collects or secures the collection of a sum of money on the delivery of anything consigned for conveyance by post and remits it to the sender thereof;

“**commander**”, in relation to aircraft, includes the pilot or other person in charge of the aircraft;

“**customs duties**” and “**duties of customs**” include import duty, export duty, value added tax and any levies which fall to be dealt with as customs duties;²¹

“**the Department**” means the Department for Enterprise;²²

“**general revenue**” means the general revenue of the Island;

- “**health service authority**” means any body established under the *National Health Service Act 2001*;²³
- “**local postage**” means postage chargeable on a postal packet posted within the Island and addressed to some place in the Island;
- “**mail**” includes every conveyance by which postal packets are carried whether it be a ship, aircraft, vehicle, or any other conveyance, and also a person employed in conveying or delivering postal packets;
- “**mail bag**” includes 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 any person employed by the Post Office other than servants so employed;
- “**overseas**”, in relation to any postal packet, means either posted in the Island and sent to a place outside the Island, or posted in a place outside the Island and sent to a place within the Island, or in transit through the Island to a place outside the Island;
- “**overseas administration**” means a postal administration other than the Post Office;
- “**parcel**” means any postal packet defined as a parcel by a scheme under section 13;
- “**postal packet**” means a letter, postcard, newspaper, printed packet, parcel or insured box and every packet or article transmissible by post, and includes a telegram;
- “**the Post Office**” means the Isle of Man Post Office;
- “**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 Post Office for the purpose of receiving postal packets, or any class of postal packets, for transmission by or under the authority of the Post Office (“**the Post Office**” for this purpose including the Postmaster General and the UK Post Office);
- “**public service vehicle**” [Repealed]²⁴
- “**public telecommunications operator**” has the same meaning as in the *Telecommunications Act 1984*;
- “**ship**” includes any boat or vessel whatsoever;

“**stamp**” includes adhesive stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, card, wrapper or other article;

“**telecommunication system**” has the same meaning as in the *Telecommunications Act 1984*.

“**telepost service**” means a service whereby the Post Office does all or any of the following things —

- (a) receives or collects in whatever form communications which are to be sent by means of a telecommunication system;
- (b) sends or receives by means of such a system communications which have been received or collected, or are to be delivered, by it in whatever form; and
- (c) delivers in whatever form communications which have been sent by means of such a system;

“**the UK Post Office**” means the corporation established under the name of the Post Office by the Post Office Act 1969 (an Act of Parliament).

(2) For the purposes of this Act —

- (a) a postal packet shall be deemed to be in the course of transmission by post from the time of its delivery to any post office to the time of its being delivered to the addressee;
- (b) the delivery of a postal packet of any description to a letter carrier or other person authorised to receive postal packets of that description for the post or to a person engaged in the business of the Post Office to be dealt with in the course of his duty shall be a delivery to a post office;
- (c) the delivery of a postal packet —
 - (i) at the premises to which it is addressed or re-directed (unless the premises are a post office from which it is to be collected);
 - (ii) to any box or receptacle to which the occupier of those premises has agreed that postal packets addressed to persons at those premises may be delivered; or
 - (iii) to the addressee’s servant or agent or to some other person considered to be authorised to receive the packet,shall be a delivery to the addressee.

(3) A reference in any statutory provision made or enacted before the 5th July 1973 to a postal packet shall be construed as a reference to a postal packet within the meaning of this Act.

59 Transitional provisions, amendments and repeals

- (1) Any authorisation given under section 1 of the 1973 Act and in force immediately before the commencement of this Act shall have effect as if it were a licence granted under section 12.
- (2) Any provision of regulations under section 6 of the 1973 Act which is in force immediately before the commencement of this Act shall have effect as if contained in a scheme under section 13, and may be amended or revoked accordingly.
- (3) The members of the Post Office holding office immediately before the commencement of section 1 shall remain in office until the first appointment is made in accordance with section 1(2).
- (4) The enactments specified in Schedule 2 are amended in accordance with that Schedule.
- (5) The enactments specified in Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

60 Short title and commencement

- (1) This Act may be cited as the Post Office Act 1993.
- (2) Except as provided by subsection (3), this Act shall come into operation on the expiration of 2 months beginning on the date on which it is passed.
- (3) The following provisions of this Act shall be deemed to have come into operation on the 1st April next before the date on which it is passed —
 - (a) sections 5 to 9 (financial provisions); and
 - (b) section 59(5) and Schedule 3, so far as they relate to —
 - (i) paragraph 11(5) of Schedule 1 to the 1972 Act; and
 - (ii) Part XII (financial provisions) of the 1973 Act;

but without prejudice to the validity of anything done before that date by virtue of the provisions specified in paragraph (b).

SCHEDULE 1**FURTHER PROVISIONS AS TO THE POST OFFICE**

Section 1(4)[1972/11/6 and Sch 1]

Member's interests

1. (1) Every member of the Post Office shall, within 3 months of his appointment becoming effective, dispose and divest himself of any financial or other interest as is likely to affect prejudicially the exercise and performance by him of his functions as a member of the Post Office, and no such member shall acquire such financial or other interest; and if any member of the Post Office under any will or succession become entitled to such financial or other interest he shall dispose and divest himself of the same within a period of three months after he has so become entitled thereto.

(2) The Department shall satisfy itself from time to time that no member of the Post Office has acted or failed to act, as the case may be, in accordance with sub-paragraph (1); and every member of the Post Office shall whenever requested by the Department so to do, furnish it with such information as the Department considers necessary for the performance by it of its duties under this sub-paragraph.

(3) If the Department is satisfied that any member of the Post Office has acted or failed to act, as the case may be, as required by this paragraph, it shall report that fact to Tynwald.

Disclosure of interests

2. (1) Any member of the Post Office who is in any way directly or indirectly interested in a contract made or proposed to be made by the Post Office shall disclose the nature of his interest at a meeting of the Post Office; and the disclosures shall be recorded in the minutes of the Post Office, and the member shall not take any part in any deliberation or decision of the Post Office with respect to that contract and shall vacate the room during such deliberation or decision.

(2) For the purpose of sub-paragraph (1) a general notice given at a meeting of the Post Office by a member thereof to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm, shall be regarded as sufficient disclosure of his interest in relation to any contract so made or proposed to be made.

(3) A member of the Post Office need not attend a meeting of the Post Office in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

Appointment of staff

3. The Post Office may appoint —

- (a) a chief executive officer, and
- (b) such other officers and servants as may seem to it to be necessary for the efficient discharge of the Post Office's functions.

SCHEDULE 2

AMENDMENT OF ENACTMENTS

Section 59(4)

[Sch 2 amended by Mental Health Act 1998 Sch 6, and amends the following Acts —

- Stamps Management Act 1936 q.v.
- Forgery Act 1952 q.v.
- Jury Act 1980 q.v.
- Statutory Boards Act 1987 q.v.
- Summary Jurisdiction Act 1989 q.v.]

SCHEDULE 3

ENACTMENTS REPEALED

Section 59(5)

[Sch 3 repeals the following Acts wholly —

- Isle of Man Post Office Authority Act 1972
- Isle of Man Post Office Authority (Postal Services Etc.) Act 1973

and the following Acts and Order in part —

- Stamps Management Act 1936
- Isle of Man Loans Act 1974
- Theft Act 1981
- Treasury Act 1985
- Fines Act 1986
- Department of Highways, Ports and Properties Order 1986 (GC190/86)
- Statutory Boards Act 1987
- Interception of Communications Act 1988
- Council of Ministers Act 1990.]

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (2) substituted by SD941/06.

² Subs (2A) inserted by SD941/06.

³ Subs (3) amended by SD941/06.

⁴ Subs (3A) inserted by Post Office (Amendment) Act 2014 s 2.

⁵ S 3 heading amended by SD2017/0325.

⁶ Subs (1) amended by SD155/10 Sch 2 and by SD2017/0325.

⁷ Subs (1) substituted by Post Office (Amendment) Act 2014 s 2.

⁸ S 4A inserted by Post Office (Amendment) Act 2014 s 2.

⁹ Subs (3) amended by Audit Act 2006 Sch 1.

¹⁰ Para (b) substituted by Financial Services Act 2008 Sch 6.

¹¹ Subs (1) amended by Post Office (Amendment) Act 2014 s 2.

¹² Subs (2)(e) amended by Cash in Postal Packets Act 2013 s 11.

¹³ Subs (7) substituted by SD2019/0058 with effect from 31/12/2020 at 23:00.

¹⁴ Subs (8) repealed by SD2019/0058 with effect from 31/12/2020 at 23:00.

¹⁵ Subs (2) amended by SD155/10 Sch 5 and by Harbours Act 2010 Sch 4.

¹⁶ Subs (5) amended by SD0606/12 and by SD2019/0058 with effect from 31/12/2020 at 23:00.

¹⁷ Subs (3)(aa) inserted by Cash in Postal Packets Act 2013 s 12.

¹⁸ Subs (3)(ab) inserted by Cash in Postal Packets Act 2013 s 12.

¹⁹ Subs (3) substituted by Criminal Justice Act 2001 s 21 and amended by Cash in Postal Packets Act 2013 s 12.

²⁰ Subs (2) amended by SD155/10 Sch 5.

²¹ Definition of “customs duties” and “duties of customs” substituted by SD2019/0058 with effect from 31/12/2020 at 23:00.

²² Definition of “the Department” amended by SD155/10 Sch 2 and by SD2017/0325.

²³ Definition of “health service authority” substituted by National Health Service Act 2001 Sch 4 and amended by SD359/11.

²⁴ Definition of “public service vehicle” repealed by Road Transport Act 2001 Sch 4.