



BERMUDA

POST OFFICE ACT 1900

1900 : 45

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*[preamble and words of enactment omitted]*

### PART I PRELIMINARY

Division of Act into Parts

- 1 *[omitted]*

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### Interpretation

2 In this Act and in Post Office Regulations, where not inconsistent with the context—

“addressee”, in relation to a postal packet, means the person to whom the postal packet is addressed;

“air mail” means any mail of postal packets sent to or from Bermuda by any aircraft;

“commander”, in relation to an aircraft, means the commander, officer or other person in charge of the aircraft;

“inland”,—

(i) in relation to any postal packet or any description thereof, means posted in Bermuda and addressed to some place in Bermuda; and

(ii) in relation to postage, means the postage charged on the postal packet;

“inward bound”,—

(i) in relation to a ship or vessel, means bound from sea into any port or anchorage in Bermuda; and

(ii) in relation to an aircraft, means bound from any place outside Bermuda into any airport in Bermuda;

“mail” includes—

(i) every conveyance by which postal packets are carried; and

(ii) a person employed in conveying or delivering postal packets; and

(iii) any ship, vessel or aircraft employed by or under the Post Office for the transmission of postal packets by contract or otherwise in respect of postal packets transmitted by the ship, vessel or aircraft;

“mail bag” includes a bag, box, parcel, envelope, or any other covering in which postal packets in course of transmission by post are conveyed, whether the mail bag does or does not contain any such postal packet;

“mail ship” means any ship or vessel carrying sea mails to or from Bermuda under contract with the Postmaster General, or with the Government of the United Kingdom or with any foreign or colonial government;

“master”, in relation to a ship or vessel, means the master, officer, or other person in command or charge of the ship or vessel whether the ship or vessel is a ship of war or other vessel but does not include the pilot of a ship or vessel unless he is also the master;

“Minister” means the Minister responsible for the Post Office;

“newspaper” means any publication consisting wholly, or in great part, of political or other news, or of articles relating thereto or to other current topics, with or without advertisements, and published in numbers at intervals of not more

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than seven days, and having the full title and date of publication printed at the top of the first page, and the whole or part of the title printed at the top of every subsequent page;

“officer of the Post Office” includes—

- (i) the Postmaster-General; and
- (ii) any person employed in any business of the Post Office whether employed by or under the Government of Bermuda, or by or under the Postmaster-General, or by any person under him, or on behalf of the Post Office; and
- (iii) any mail contractor;

“outward bound”—

- (i) in relation to a ship or vessel, means bound to sea from any port or anchorage in Bermuda; and
- (ii) in relation to an aircraft, means bound to any place outside Bermuda from any airport in Bermuda;

“post office” includes—

- (i) any building, house, room, vehicle, or place used for the purpose of the Post Office; and
- (ii) any post office letter box;

“post office box” means a numbered lockable post box provided to a person by a post office, for which the person pays rent in accordance with Post Office Regulations, and to which postal packets addressed to that post box address are delivered by mail;

“post office letter box” includes any pillar box, wall box, or other box or receptacle provided by or under the authority of the Postmaster-General for the purpose of receiving postal packets, or any postal packet, for transmission by or under the authority of the Postmaster-General;

“Post Office Regulations” means any regulations made under this Act and for the time being in force;

“postage” means the sum chargeable for the transmission of postal packets;

“postal packet” means a letter, post card, newspaper, bookpacket, pattern or small packet, or parcel, an official notice, and every packet or article transmissible by post;

“private post box” means a post box at a person’s street address, to which postal packets addressed to that street address are delivered by mail;

“the purpose of the Post Office” means any purpose of this Act, or any other Act for the time being in force, relating to the Post Office, and includes any purpose relating to or in connection with the execution of the duties for the time being of the Postmaster-General, or any officer of the Post Office;

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“sea mail” means any mail of postal packets sent to or from Bermuda by any mail ship, or by one of Her Majesty’s ships, or by any other vessel;

“valuable security” has the same meaning as in the Criminal Code [*title 8 item 31*], and includes anything which is a valuable security within the meaning of that Act, and any part of any such thing.

*[Section 2 “Minister” substituted by BR67/2007 effective 13 July 2007; “post office box” and “private post box” inserted by 2009:2 s.2 effective 23 February 2009; “Minister” deleted and substituted by BR 5 / 2011 para. 5 effective 25 February 2011]*

### Construction

3 For the purposes of this Act—

- (a) a postal packet shall be deemed to be in course of transmission by post from the time of its being deposited in a post office letter box, or delivered to a post office, to the time of its being delivered to the addressee;
- (b) the delivery of a postal packet of any description to a person authorized to receive postal packets of that description for the post shall be deemed to be a delivery to a post office;
- (c) the delivery of a postal packet at the house or office of the addressee, or to him or to his servant or agent or other person considered to be authorized to receive the packet according to the usual manner of delivering that addressee’s postal packets, shall be deemed to be a delivery to the addressee;
- (d) the placing of a postal packet addressed to any person in a post office box rented in the name of that person shall be sufficient delivery of such postal packet.

### Directions by Minister

4 In the exercise of his functions under this Act and any other enactment the Postmaster-General shall be subject to the general and special directions of the Minister and shall act in accordance with such directions.

### Savings in relation to United Kingdom

5 *[repealed by 1991:86]*

### Exclusive privilege

6 (1) Subject to this Act, the Postmaster-general by himself, or by other officers of the Post Office, who shall for this purpose be considered his agents, shall have the exclusive privilege of conveying, receiving, collecting, sending, despatching, and delivering all letters in Bermuda, and all letters arriving from or sent to places out of Bermuda, except in the following cases—

- (a) letters sent by a private friend on his way, journey, or travel, and delivered by that friend to the addressees;

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- (b) letters sent by a messenger on purposes concerning the private affairs of the sender or receiver thereof;
- (c) commissions or the returns thereof, and affidavits and writs, process or proceedings, or the returns thereof, issuing out of a court of justice;
- (d) letters sent out of Bermuda by a private vessel, not being a mail ship or a ship or vessel carrying mails, or by a private aircraft, not being an aircraft carrying mails;
- (e) letters of merchants, owners of ships or aircraft, or of goods on board, sent by those ships or aircraft, or by any person employed by those owners for the carriage of those letters, according to their respective directions, and delivered to the respective addressees without paying or receiving any hire, reward, advantage, or profit for the same; and
- (f) letters concerning goods or merchandise sent by common known carriers, or by carts, carriages, wagons, or boats, to be delivered with the goods which those letters concern, without hire or reward or other profit or advantage for receiving, conveying, or delivering those letters:

Provided that nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in any manner hereby authorized.

(2) Subject as aforesaid, the following persons are expressly forbidden to carry a letter, or to receive or collect or deliver a letter although they do not receive hire or reward for it—

- (a) common known carriers, their servants, or agents, except a letter concerning goods in their vehicles or boats;
- (b) owners or drivers of vehicles employed under the Post Office for the transmission of postal packets, and owners, pilots, or any of the crews of vessels employed under the Post Office for the transmission of postal packets, otherwise than in the due course of their employment under the Post office;
- (c) owners or masters of steamboats or other boats or vessels sailing or passing, or the owners or commanders of aircraft flying, between places in Bermuda, or their servants or agents, except in respect of goods on board, and owners or masters of mail ships or other ships or vessels or owners or commanders of aircraft carrying mails between Bermuda and any ports or places out of Bermuda, or their servants or agents, except in respect of sea mails or air mails or ship letters;
- (d) passengers or other persons on board any such steamboat, ship, vessel, mail ship or aircraft.

(3) Any person not authorized by or in pursuance of this Act, or of Post Office Regulations, who sends or causes to be sent, or tenders or delivers in order to be sent, or conveys, receives, collects, despatches or delivers otherwise than by post, any letter not

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excepted from the exclusive privilege of the Postmaster-General, or who makes a collection of those excepted letters for the purpose of conveying or sending them, either by post or otherwise, commits an offence against this Act:

Punishment on summary conviction: a fine of \$144 for a first offence and for a second or subsequent offence, a fine of \$720 for every such letter.

(4) In this section and in section 6A the expression-

“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 “employee” and other cognate expressions shall be construed accordingly;

“express letter” means a letter which is-

- (i) individually recorded for delivery purposes and for which a receipt is given;
- (ii) given priority handling for the fastest possible delivery to the addressee; and
- (iii) priced at least 10 times the cost of an ordinary letter or packet by the Postal Administration of the country of origin;

“letter” means any communication in written form which-

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

and includes a packet containing any such communication.

“post” includes all postal communications by land, water or air (except by outward bound vessels not employed by or under the Post Office or the Admiralty to carry letters); and there shall be a liability to the punishments aforementioned whether the letter is sent singly or with anything else, or the service is performed in respect to a letter either sent, or to be sent, singly or together with some other letter or thing; and in any proceeding taken in respect of a contravention of any of the foregoing provisions of this section it shall lie upon the person proceeded against to prove that the act in respect of which the proceedings are taken was done in conformity with this Act, or with Post Office Regulations, or other lawful authority;

*[Section 6(4) amended by 1991:86 effective 26 July 1991]*



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### Saving for things done under licence

6A (1) The Minister may, after consultation with the Postmaster-General, grant a licence, in writing, authorizing the doing of any act or the performance of any service falling within section 6(1) as specified in the licence.

(2) Anything done under or in accordance with a licence granted under subsection (1) shall not constitute an infringement of the privilege conferred by section 6(1).

(3) A licence under subsection (1) shall be granted annually and may be granted either to persons of a class or to a particular person ("the licensee") and for the purposes of this subsection the definition of "a class of persons" may be framed by reference to any circumstances whatever.

(4) Subject to the provisions of this section a licence granted under subsection (1) shall-

- (a) be subject to any condition specified therein;
- (b) remain in force, unless revoked in accordance with any term in that behalf contained in the licence, for such period as may be specified therein.

(5) Without prejudice to the power to impose conditions conferred by subsection (4) a licence granted under subsection (1) shall include conditions requiring-

- (a) letters not being express letters-
  - (i) collected in Bermuda for delivery in Bermuda; and
  - (ii) collected outside of Bermuda for delivery in Bermuda, to be conveyed to the Post Office for delivery to the addressee; and
- (b) the consent of the licensee to permit any authorized officer of the Post Office, to inspect-
  - (i) upon the production of some duly authenticated identification by the officer, the business premises at anytime during normal business hours; and
  - (ii) at the port of entry, all mail arriving in Bermuda, in order to determine compliance with both the provisions of this Act and the terms and conditions of the licence.

(6) An application for a licence under this section shall be made in writing and in a manner and form determined by the Minister.

(7) The annual fee for the grant of a licence under subsection (1) shall be prescribed by the Government Fees Act 1965 [*title 15 item 18*].

[Section 6A added by 1991:86 effective 26 July 1991]

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### PART II POSTAL SERVICES

#### Postage

7 (1) Subject to this Act, there shall be charged on all postal packets which are conveyed or delivered for conveyance by post under the authority of the Postmaster-General such postage and other sums as may be fixed in the manner provided by this Act.

(2) The Minister may, by Post Office Regulations, fix the rates of postage and other sums to be charged in respect of postal packets under this Act, and regulate the scale of weights and the circumstances according to which those rates and sums are to be charged, and the power of the Postmaster-General, with or without the consent of the Minister, to remit any such rates or sums:

Provided that—

- (a) the rates of postage on postal packets sent by post between Bermuda and any place out of Bermuda shall not exceed the rates from time to time sanctioned by the Universal Postal Union;
- (b) books or book-packets sent to or from the Bermuda National Library and posted in accordance with Post Office Regulations as to book-packets shall be forwarded and delivered by inland post free of postage;
- (c) all postal packets sent in their official capacities by or to the public authorities allowed by the Post Office Regulations to send or receive such postal packets free of postage shall be transmitted and delivered free of inland postage if posted in accordance with the Post Office Regulations applicable thereto.

(3) *[deleted by 1973:55]*

*[Section 7 amended by 1996:9 effective by notice in Official Gazette]*

#### Additional postage

8 Where a postal packet is not prepaid, or is insufficiently prepaid, the postage to be charged on such packet shall be double the amount of the postage chargeable thereon if such packet has been prepaid, and, if it is insufficiently prepaid, then double the amount of the deficiency, but Post Office Regulations may provide for the payment of any less amount so that the amount paid is not less than the unpaid or insufficiently paid postage.

#### Payment of additional postage

9 Where the postage chargeable on a postal packet has not been prepaid or has been insufficiently prepaid and the postage payable on such packet under section 8 is not paid by the addressee on the delivery thereof to him, or if the packet is refused, or the addressee is dead or cannot be found, then such postage shall be paid by the sender on the same being returned to him.

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### Regulations; documents not treated as letters

10 Post Office Regulations may determine what circulars or what commercial, legal and other similar documents, and what marks or indications referring to the contents of a newspaper, when written or printed on the newspaper or on the cover thereof, shall not be charged with postage as letters.

### Regulations; postage on re-directed postal packets

11 Post Office Regulations may make provisions respecting the re-direction of postal packets and the transmission of postal packets so re-directed, either free of charge or subject to such postage as may be specified in such Regulations.

### Postal rates; postal packets in transit

12 All postal packets in transit through Bermuda to other countries in the Postal Union, either in open or closed mails, shall be liable to the rates agreed upon from time to time by the Universal Postal Union.

*[Section 12 amended by 1991:86 effective 26 July 1991]*

### Provision of stamps

13 The Minister may from time to time cause to be provided proper and sufficient postage stamps, post cards, postal envelopes, postal orders, money orders, and plates or dies and other implements for impressing, engraving, printing or denoting the rates or duties of postage, which shall be kept in such custody as the Minister may from time to time direct; and such stamps shall be printed, made or impressed from such plates, dies or other implements as the Minister shall from time to time direct.

### Postage prepaid

14 All postage prepaid in Bermuda on postal packets, and all fees for the registration thereof, shall be prepaid by affixing thereon stamps provided as aforesaid, if such stamps can be procured at a post office in Bermuda, and if not, in such manner as Post Office Regulations may prescribe, or as the Minister may sanction:

Provided that this section shall not prevent the use of the envelopes or post cards issued by the Post Office with stamps impressed thereon.

### Custody of main stocks of postage stamps

15 The Postmaster-General shall have the custody of the main stock of postage stamps, post cards, stamped envelopes and postal orders, and shall always, as far as practicable, keep on hand a sufficient supply of each denomination thereof to meet at least six months' ordinary demand.

16 *[repealed by 1974:18]*

17 *[repealed by 1974:18]*

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### Letter boxes at post offices

18 There shall be a secure and convenient post office letter box provided at each post office for the deposit of postal packets (except parcels), so situated as to be easily accessible to the public at all times.

### Regulations; private post boxes

18A (1) Post Office Regulations may prescribe—

- (a) the location, on any land or in any building, of a private post box;
- (b) the design of a private post box;
- (c) requirements that are to be met for the delivery of postal packets to a private post box; and
- (d) circumstances or conditions under which postal packets will not be delivered to a private post box.

(2) Regulations under subsection (1) may make different provision in respect of different categories of land or building.

*[Section 18A inserted by 2009:2 s.3 effective 23 February 2009]*

### Days on which open for business

19 Subject as provided in this section, all post offices may open for the transaction of business on every day except a public holiday:

Provided that—

- (a) the General Post Office at Hamilton, the Airmail Facility at the Civil Air Terminal and the Post Office at St. George's shall be open on public holidays for the following purposes only, that is to say—
  - (i) the reception from and the despatch to ships, vessels or aircraft, of sea mails and air mails;
  - (ii) the delivery of all official despatches addressed to the Governor, or to the Naval Commander-in-Chief, or to the Officer Commanding the Troops, or to the Senior Naval Officer on this station, received in closed mails; and
- (b) any post office shall be open for the transaction of business on any public holiday as the Minister may order by notice published in the Gazette.

*[Section 19 amended by 1991:86 effective 26 July 1991]*

### Hours of business

20 Post offices shall be open for the transaction of business on such days and during such hours as may be prescribed by Post Office Regulations.

*[Section 20 amended by 1991:86 effective 26 July 1991]*

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### Conveyance of inland mails

21 Except as otherwise provided by this Act, all inland mails shall be transmitted, conveyed and delivered in accordance with Post Office Regulations.

### General conditions

22 All postal packets shall be posted, forwarded, conveyed and delivered, subject to such provisions, conditions, prohibitions and restrictions respecting the time and mode of posting and delivery, and of the payment of postage and other sums in respect thereof chargeable under this Act or under Post Office Regulations, and respecting the registration of, and giving receipts for, and giving and obtaining certificates of posting and delivery of, any postal packet, and the sums to be paid in addition to any other postage for that registration, receipt, or certificate, and respecting stamps, covers, form, dimensions, maximum weight, enclosures, the use of packets (other than letters) for making communications, and otherwise, as may be prescribed by Post Office Regulations.

### Other mail not to delay letters

23 Where the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of newspapers, book-packets, pattern or small packets, and post cards, or any of them, then those newspapers, packets or cards, or any of them, may, subject and according to Post Office Regulations, be detained in such post office until the despatch or delivery next following that by which they would ordinarily be despatched or delivered.

### Duties of postmasters and sub-postmasters

24 (1) It shall be the duty of every postmaster and sub-postmaster—

- (a) to forward by the first regular mail all postal packets posted or arriving at their respective offices for other places in Bermuda to the post offices nearest the places of address;
- (b) to cause to be delivered within their limits of delivery by duly appointed postmen all pre-paid postal packets sent to or posted at their respective post offices for inland delivery within such reasonable time after their receipt as may be fixed by Post Office Regulations, which shall also prescribe the limits of the delivery to be made from each post office:

Provided that it shall be lawful in any postal district in which the Postmaster-General considers it desirable for the sub-postmaster himself to deliver, or to arrange for the delivery of, postal packets.

(2) Any duty, under this Act, of an officer of the Post Office to deliver a postal packet to its addressee shall be discharged, even if it is not in fact delivered to the addressee—

- (a) when it is delivered to the post office box address or street address to which the sender has addressed it; or

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- (b) when it is delivered to the address to which it is redirected, if it is redirected pursuant to Post Office Regulations.

*[Section 24 amended by 2009:2 s.4 effective 23 February 2009]*

### Publication of list of unclaimed letters

25 (1) The Postmaster-General shall cause to be published from time to time in the Gazette, and in such other newspapers, if any, as he may think fit, a list of all unclaimed letters remaining in the General Post Office at Hamilton.

(2) A list of all unclaimed letters remaining in any post office shall always be kept posted in some conspicuous place at such post office.

### Regulations; opening, return and disposal of postal packets

25A Post Office Regulations may prescribe the manner and circumstances in which postal packets may be opened, returned to sender or disposed of.

*[Section 25A inserted by 2009:2 s.5 effective 23 February 2009]*

### Regulations; prohibition of sending indecent matter

26 Post Office Regulations may provide for preventing the sending or delivery by post of seditious writings and of indecent or obscene prints, paintings, photographs, lithographs, engravings, books, or cards, or of other indecent, seditious or obscene articles, or of letters, newspapers, newspaper supplements, publications, packets, or post cards having thereon, or on the covers thereof, any words, marks or design, of an indecent, seditious, obscene, libellous, or grossly insulting or offensive character.

### Prohibited articles not to be transmitted

27 No postmaster, or officer of the Post Office, shall receive for transmission by post, or transmit by post, any postal packet which he has reason to believe contains anything which is by this Act or by Post Office Regulations prohibited to be transmitted by post, and if any such postal packet is posted it shall not be forwarded but shall be dealt with as provided by this Act with respect to any other postal packet posted or sent by post in contravention of this Act; and Post Office Regulations may prescribe how any such postal packet shall be dealt with.

### When transmission may be refused

28 If any postal packet is posted, or is sent by post, in contravention of this Act; or of Post Office Regulations, the transmission thereof may be refused and the packet may, if necessary, be detained and opened in the Post Office, and shall either be returned to the sender thereof, or forwarded to its destination, and in either case shall be charged with such additional postage at a rate not exceeding the letter rate of postage or without any additional charge, as may be directed by Post Office Regulations.

### Examination of postal packets in absence of addressee

29 (1) If a customs officer has reason to suspect that any postal packet arriving in Bermuda by parcel post, other than a registered postal packet, contains any goods liable to

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import duty, he may detain that packet and, in the absence of the addressee, require any officer of the Post Office in the presence of a customs officer to open the packet and submit the contents thereof to that officer for examination.

(2) If an officer of the Post Office has reason to suspect that any postal packet arriving in Bermuda (other than a postal packet to which subsection (1) applies) contains any goods liable to import duty he may detain and submit such packet to a customs officer who, in the absence of the addressee but in the presence of an officer of the Post Office, shall open the packet and examine the contents thereof.

*[Section 29 replaced by 1991:86 effective 26 July 1991]*

### Examination of postal packets with respect to liability to import duty

29A (1) If a customs officer on examination of any postal packet under section 29 finds that the packet does not contain any goods liable to import duty he shall cause the contents of the packet to be replaced therein and shall supervise the resealing of the packet by an officer of the Post Office, who shall—

- (a) in the case of a postal packet examined under section 29(1), cause the packet to be delivered to the addressee; or
- (b) in the case of a postal packet, examined under section 29(2), if the postal packet—
  - (i) is registered, cause written notice to be sent to the addressee stating the address and contents of the packet and at which post office it is deliverable; or
  - (ii) is unregistered, cause such packet to be delivered to the addressee.

(2) If a customs officer on examination of any postal packet under section 29 finds that the packet does contain goods liable to import duty he shall—

- (a) cause the contents to be replaced therein;
- (b) supervise the resealing of the packet by an officer of the Post Office;
- (c) cause written notice to be sent to the addressee informing him that the packet contains goods liable to import duty and of the amount of duty payable and requiring him within twenty-eight days of the date of the notice to attend at the post office named in the notice and made due entry of the goods and pay the duty thereon.

(3) If entry is not made within the period specified in a notice under subsection (2), the postal packet shall be treated as an unclaimed packet and dealt with in such manner as the Postmaster-General may direct.

*[Section 29A replaced by 1991:86 effective 26 July 1991]*

### Examination of postal packets suspected to contain articles etc. unlawfully imported

29B (1) If a customs officer has reason to suspect that any postal packet to which section 29 applies contains any article, substance or goods the importation of which is

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unlawful under any provision of law, he may require that packet to be opened, in the manner provided in section 29(1) or (2), as the case may be, for examination by him.

(2) If a customs officer on examination of a postal packet under subsection (1) finds—

- (a) that it does not contain any such article, substance or goods, he shall cause the packet to be resealed and delivered in the manner provided in section 29(1) (a) or (b), as the case may be;
- (b) that it does contain any such article, substance or goods, he shall cause the packet to be detained and shall deliver the packet and its contents to a police officer.

*[Section 29B amended by 1991:86 effective 26 July 1991]*

### Decision of Postmaster General as to category final

30 If any question arises whether any postal packet is a letter or any other description of postal packet within the meaning of this Act, or of Post Office Regulations, the decision thereon of the Postmaster General shall be final:

Provided that the Minister, may, on the application of any person interested, reverse or modify the decision, and may order accordingly.

### Inland parcel post

31 The Minister may establish an inland parcel post for the transmission of parcels between any places in Bermuda under such conditions as Post Office Regulations may prescribe.

### Overseas parcel post

32 The Postmaster-General may, with the sanction of the Minister, enter into conventions or agreements with the Post Office Department of the United Kingdom, or with any post office department in any other part of Her Majesty's dominions or in any foreign country for the extension, establishment or maintenance of a parcel post service between Bermuda and any place out of Bermuda, on such terms and conditions as the Minister may sanction, after such conventions or agreements have been first approved by the Minister.

*[Section 32 amended by 1991:86 effective 26 July 1991]*

### Provision for termination of convention or agreement

33 Every convention or agreement for the extension, establishment or maintenance of any parcel post service shall be made subject to the provision that it may be terminated by the Postmaster-General, with the sanction of the Minister, on such reasonable notice not exceeding one year as shall be therein provided for the purpose.

### Delivery and receipt of parcels

34 Parcels received in Bermuda by sea mails or air mails shall be delivered to the addressees, or their authorized agents, after due entry and payment of the import duties thereon, at any post office in Bermuda to which such parcels may under Post Office



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Regulations be sent for delivery; and parcels intended for transmission from Bermuda by sea mails or air mails shall be receivable at any post office at which such parcels are under Post Office Regulations receivable for transmission.

### Import duty

35 All parcels received in Bermuda by sea mails or air mails shall be entered and the duties thereon collected and paid in such manner as Post Office Regulations shall prescribe, and the contents of such parcels shall be subject to the like import duties and entitled to the like exemptions as goods of the same description imported in the ordinary course of trade.

### Time of importation; addressee is deemed to be importer

36 All goods imported by post shall for the purpose of entry be deemed to be imported at the time of the receipt of the goods at the General Post Office at Hamilton or the Airmail Facility at the Civil Air Terminal, whichever is earlier, and the addressees of such parcels shall be deemed to be the importers thereon.

*[Section 36 amended by 1991:86 effective 26 July 1991]*

### False declaration

37 (1) Any person who makes or subscribes before any customs officer, or any officer of the Post Office, before whom any declaration as to the contents or particulars of any parcel imported by parcel post is required or authorized to be made, any declaration which is untrue in any particular, shall forfeit and pay a sum not exceeding the level 4 or treble the value of the goods, whichever is the greater amount, such value to be ascertained in a summary way by two disinterested persons appointed by the Collector of Customs for the purpose.

(2) Any person who wilfully and corruptly makes or subscribes any such declaration knowing the declaration to be false commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 12 months or a fine of \$2,880 or both such imprisonment and fine.

*[Section 37 subsection (1) penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]*

### Parcels not corresponding with description

38 If it appears to the Postmaster-General that any parcel received by a sea mail or air mail does not correspond with what purports to be the description and particulars thereof, the parcel shall be detained by him until it can be opened in the Post Office by a customs officer and examined by him in the presence of the importer, or his authorized agent, if he attends after a notification to do so, and if not, then in his absence, and if it is found that there has been any material misdescription of the contents of such parcel or of the value thereof, the parcel shall be delivered to the Collector of Customs to be dealt with according to law and subject thereto as Post Office Regulations may prescribe.

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### Undeliverable parcels

39 Any parcel addressed to a person unknown, or who has died or who cannot be found, and any parcel which is not claimed or accepted by the addressee, or his authorized agent, or is not duly entered and the duties thereon paid, or which is so imperfectly or illegibly addressed, or so torn or defaced that it cannot be ascertained for whom it is intended, and any parcel containing goods of a dangerous or offensive nature or in an offensive condition, or which for any other reason cannot be kept or delivered, shall be dealt with in such manner as Post Office Regulations may prescribe, or as the Minister may sanction.

### Revenue Act 1898 applies to parcels

40 Except as otherwise provided by this Act, or by Post Office Regulations, all the provisions of the Revenue Act, 1898 [*title 14 item 10*], applicable to the importation, landing and entry of goods imported in the ordinary course of trade by ordinary freight ships, and with respect to penalties and forfeitures in respect of such goods, and to the proceedings for enforcing such penalties and forfeitures, and with respect to the disposition of goods forfeited, shall, as far as practicable, apply to goods imported by parcel post.

### Insurance of parcels to or from United Kingdom

41 The Postmaster-General may under the sanction of, and subject to the such conditions as may be approved by, the Minister, enter into any arrangement or agreement with the Post Office Department of the United Kingdom for the insurance of parcels transmitted by parcel post between Bermuda and the United Kingdom, or elsewhere through the United Kingdom; and in case of any loss or damage occurring in respect of any such parcel for which the Government of Bermuda is liable, the Postmaster-General may make good such loss out of any Post Office funds in his hands, or if there are no such funds available for the purpose, may, with the sanction of the Minister, receive the amount out of the Consolidated Fund for the purpose.

*[Section 41 amended by 1991:86 effective 26 July 1991]*

42 *[repealed by 1974:18]*

### Registration of postal packets

43 Postal packets forwarded by inland mail may be registered at any post office under such regulations and on the payment of such registration fee as Post Office Regulations shall prescribe; and the Postmaster-General is empowered in conformity with Post Office Regulations to make good to the sender of any such postal packet lost in course of transmission by post, the value to an amount not exceeding such amount as may be prescribed by Post Office Regulations, and every such payment shall be charged by the Postmaster-General in his account against the Government of Bermuda.

### Transmission of valuable items

44 Coin, bank notes, currency notes, negotiable instruments payable to bearer, platinum, gold or silver, manufactured or not, precious stones, jewels and other valuable articles shall not be transmitted through the post except in a closed registered cover or by

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parcel post, and if any such article as aforesaid is posted in contravention of this section it shall be dealt with as prescribed by Post Office Regulations.

### Registration and liability for loss

45 (1) The registration of or giving a receipt for, a postal packet, or the giving or obtaining of a certificate of posting or delivery of a postal packet, shall not render the Postmaster-General or the Post Office revenue, or the Government of Bermuda in any manner liable for the loss of the packet or the contents thereof

(2) The Postmaster-General is empowered, in conformity with the regulations of the Universal Postal Union, to make good to the sender on the production of the receipt given for the same at the time of registration, the value to an amount not exceeding such amount as may be prescribed by Post Office Regulations of any registered postal packet lost in course of transmission by post, and for which the Government of Bermuda is under such regulations bound to pay an indemnity; and every payment so made shall be charged by the Postmaster-General in his accounts against the Government of Bermuda:

Provided that no such indemnity shall be paid in respect of any article posted for any place out of Bermuda which under the regulations of the Universal Postal Union may not lawfully be transmitted by post.

### Money orders

46 (1) The Postmaster-General may, under the sanction of the Minister, and subject to Post Office Regulations, provide for establishing and maintaining the remittance of sums of money through the post by means of Money Orders (in this Act called "the Money Order system"), and may for such purpose, and with the like sanction, enter into any convention or agreement for the extension of the Money Order system to any other country or place; and the Minister is empowered to maintain or open Money Order offices at such places in Bermuda as he may think fit:

Provided that every such convention or agreement shall be made subject to the provision that it may be terminated by the Postmaster-General, with the sanction of the Minister, on such reasonable notice not exceeding one year as shall be therein provided for the purpose.

(2) Post Office Regulations may make provision with respect to Money Orders, and to the rates of poundage or commission payable thereon and to the issue and payment thereon and to the person by or to whom they are to be paid, and the times at which and the mode in which they are to be paid.

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

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(4) No action or other legal proceeding shall be instituted against the Postmaster-General, or any officer of the Post Office, or any person whomsoever, in respect of any compliance with Post Office Regulations relating to Money Orders, or otherwise in relation thereto, or in respect of the payment of any Money Order being refused or delayed by or on account of any accidental neglect, omission or mistake, by or on the part of any officer of the Post Office, or for any other cause whatsoever, without fraud or wilful misbehaviour on the part of any such officer of the Post Office.

### Postal orders

47 (1) The Minister may authorize the issue of postal orders in such form as he may from time to time approve, and such postal orders shall be paid in such manner and subject to such conditions as shall be printed on the back thereof

(2) A postal order shall be for one of the amounts authorized by the Minister not exceeding twelve dollars, and the poundage or commission thereon shall be in accordance with the rates approved by the Minister.

(3) A postal order shall not be issued until the amount of the order and the poundage or commission have been paid to the officer or person issuing the order.

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

(5) The Postmaster-General with the sanction of the Minister may authorize any person other than an officer of the Post Office to issue postal orders and any person so authorized shall, for the purpose of the issue of postal orders, be deemed to be an officer of the Post Office within the meaning of this Act.

### Contracts for carriage of mails

48 Subject to the appropriation of the requisite funds by the Legislature, the Postmaster-General may enter into contracts for the carriage of sea mails and air mails between Bermuda and places out of Bermuda, upon such terms and conditions as the Minister may approve.

### Allowance to masters of ships not being mail ships

49 Post Office Regulations may provide for the allowance to masters of ships other than mail ships in respect of postal packets, or any description thereof, conveyed by them on behalf of the Post Office, and also to pilots, seafarers, and others in respect of postal packets, or any description thereof, brought by them to any post office from any ship, or such gratuities and under such conditions and restrictions as Post Office Regulations may prescribe.

*[Section 49 amended by 2012 : 30 s. 27 effective 30 June 2014]*

### Letters by mail ship and not in mail bags

50 (1) Letters, other than ship letters, addressed to Bermuda arriving by any mail ship, and not received in a mail bag, shall be chargeable with double the postage to which they would have been liable had they been duly posted in the country from which such mail

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ship was despatched, unless such letters have been duly posted on a mail ship in accordance with the regulations of the Universal Postal Union applicable to such letters.

(2) Any officer of the Post Office, or any other person, authorized by the Postmaster-General for the purpose, may on the arrival of an inward bound ship require the master of such ship to produce for the inspection and examination of such officer or person all letters known by such master to be conveyed by such ship including all ship letters, and all other letters except those contained in any mail bag, and if the master of any such ship refuses or neglects to comply with this section he commits an offence against this Act:

Punishment on summary conviction: a fine of \$7,200.

(3) If on any such inspection or examination the officer or person making the inspection or examination finds that any letter conveyed by such ship is not a ship letter within the meaning of this Act, he shall seize and detain the letter and shall convey every such letter to the nearest post office.

(4) For the purposes of this section it shall be lawful for the officer or other person making such inspection and examination to open any such letter and to read the letter or so much thereof as is necessary in his judgment to determine whether the letter is a ship letter within the meaning of this Act.

(5) The foregoing provisions of this section shall apply, *pari passu*, in relation to letters arriving in an inward bound aircraft as they apply in relation to letters arriving in an inward bound ship.

### Master of outward bound ship to receive and convey mails

51 The master of an outward bound ship shall receive on board his ship every mail bag tendered to him by an officer of the Post Office for conveyance, and having received it shall, on arriving at the port or place of his destination, deliver it without delay at the post office with which he can first communicate, and if he fails to comply with this section he shall forfeit six hundred dollars.

### Inward bound ship or aircraft; collection of postal packets

52 (1) The master of an inward bound ship or the commander of an inward bound aircraft shall as far as practicable collect all postal packets on board his ship or, as the case may be, his aircraft, which are within the exclusive privilege of the Postmaster-General, and are not ship letters as defined by this Act, and shall enclose them in some bag or other proper covering addressed to the Postmaster-General, and shall without delay deliver such packets to the proper officer of the Post Office demanding them, or if no demand is made by that officer, then at the post office with which he can first communicate.

(2) If the master of an inward bound ship or the commander of an inward bound aircraft does not duly deliver any postal packet in accordance with this section he commits an offence against this Act:

Punishment on summary conviction: a fine of \$720 for every such packet.

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(3) If the master of an inward bound ship or the commander of an inward bound aircraft breaks bulk or makes entry before the postal packets on board his ship have been delivered in accordance with this section he commits an offence against this Act:

Punishment on summary conviction: a fine of \$1,440.

Revenue Act 1988; certain sections do not apply to mail bags

53 Sections 4, 6 and 7 of the Revenue Act 1898 [*title 14 item 10*], shall not apply to mail bags on board any inward bound or any outward bound ship or aircraft; and section 98 of the Revenue Act 1898 shall not apply to the removal of mail bags from any inward bound ship to a post office.

Mail bags on ship or aircraft not to be opened

54 (1) If the master of a ship or the commander of an aircraft takes out of a mail bag with which he is entrusted for conveyance any postal packet or other thing, he shall forfeit six hundred dollars.

(2) Any person who, being a person to whom postal packets have been entrusted by the master of a ship to bring on shore or, as the case may be, by the commander of an aircraft to unload from the aircraft, breaks the seal, or in any manner wilfully opens them, commits an offence against this Act:

Punishment on summary conviction: a fine of \$1,440.

Improper retention of postal packets on ship or aircraft

55 (1) Any person who, being either the master or one of the officers or crew of an inward bound ship or a passenger thereof, knowingly has in his baggage, or in his possession, or custody, any postal packet, except a postal packet not within the privilege of the Postmaster-General, after the master has sent any part of the postal packets on board his ship to the Post Office, commits an offence against this Act:

Punishment on summary conviction: a fine of \$288 for every such packet; and if he detains any such packet after demand made, either by a customs officer, or by an officer of the Post Office, or by any person authorized by an officer of the Post Office to demand the postal packets on board the vessel, he commits an offence against this Act:

Punishment on summary conviction: a fine of \$720 for every postal packet so detained.

(2) The foregoing provisions of this section shall apply, *pari passu*, in relation to the commander or crew of an inward bound aircraft as those provisions apply in relation to the master, officers and crew of an inward bound ship.

Ship letters

56 (1) The following letters (in this Act referred to as "ship letters"), that is to say, letters of the owners, charterers, or consignees of inward bound ships, and of the owners, consignees, or shippers of goods on board those ships, when complying with the conditions hereinafter mentioned, shall, if required to be delivered at the port of the ship's arrival, be delivered to the owners, charterers, consignees, or shippers by the master free of inland postage, and if delivered elsewhere in Bermuda, be delivered by post on payment of inland

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postage only if the postage is prepaid, or of double the inland postage if the postage is unpaid, or of double the deficiency if the postage is insufficiently prepaid:

Provided that—

- (a) the owner, charterer, or consignee shall be described as such on the superscription of the letter, or the envelope or other covering containing the same; and
- (b) in the case of owners, shippers, or consignees of goods, it shall also appear by the ship's manifest that they have goods on board the ship.

(2) Any person who with intent to evade any postage falsely subscribes a letter, or the envelope or other covering containing the letter, as being the owner or charterer or consignee of the ship conveying the letter, or as the owner, or the shipper or the consignee of goods shipped on the ship, commits an offence against this Act:

Punishment on summary conviction: a fine of \$720.

(3) The foregoing provisions of this section shall apply *pari passu*, in relation to letters carried in an aircraft as those provisions apply in relation to letters carried in a ship.

### PART III

#### POST OFFICE ACCOUNTING

##### Post Office accounts

57 (1) The Postmaster-General shall cause such accounts to be kept of the revenue and expenses of the Post Office by such officers and in such manner as Post Office Regulations may prescribe.

(2) The accounts to be kept in the office of the Postmaster-General shall be so kept as at all times to show, as far as practicable, the cash and stamp transactions of the office up to date, and the amount of cash and stamps on hand, and the respective sources from which such cash has arisen, and such other particulars as Post Office Regulations may require.

##### Payment into Consolidated Fund

58 The Postmaster-General shall pay over to the Accountant-general monthly all monies received by him on account of the Government of Bermuda, or for which he is bound to account to that Government:

Provided that the Postmaster-General, the Postmaster at St. George's, and the sub-postmasters respectively may retain in their hands such amount as may be allowed by Post Office Regulations for meeting the current disbursements of their respective offices on Money Order account or otherwise.

##### Accounting by Postmasters

59 The Postmaster at St. George's and all sub-postmasters shall account for and pay over to the Postmaster-General, all monies received by them for postage or postage stamps,

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or postal orders, or Money Orders, or otherwise on Post Office account in such manner and at such times as Post Office Regulations may require, or as the Postmaster-General may, with the sanction of the Minister, direct, and shall at the like times make returns to the Postmaster-General of the number and denomination of the postage stamps and postal orders sold by them and of those remaining on hand.

### Audit of accounts

60 All Post Office accounts shall be audited at the end of every quarter and at such other times as the Minister may require, by the Auditor, and shall be subject to such further audit as the House of Assembly may direct.

### Vacation of office; delivery up of books

61 (1) Where an officer of the Post Office vacates his office, whether by reason of dismissal, resignation, death, or otherwise, he, or if he is dead, then his personal representative, or the person acting as such, shall forthwith deliver to the Postmaster-General, or any person authorized by the Postmaster-General to receive the same, all books, documents, postage stamps and other articles which have been issued to, or have come into the official possession or custody of, such officer in the course of his employment as an officer of the Post Office, and which are not the property of such officer.

(2) Any person who fails to comply with the foregoing provisions of this section commits an offence against this Act:

Punishment on summary conviction: a fine of \$144, and shall also be liable to pay such further sum as the court may determine to be the value of the articles not delivered, or if the articles have been delivered in a damaged condition, of the damage done to the articles; and any person who wilfully neglects or refuses to deliver to the Postmaster-General, or any person authorized by the Postmaster-general to receive the same, any such article after the article has been demanded from him, commits an offence against this Act:

Punishment on summary conviction: a fine of \$1,440 in addition to the amount determined by the court to be the value of such article.

Provided that no such personal representative shall be liable for any damage done to any such article unless such damage was sustained after such article came into his possession.

(3) Any Justice of the Peace may on the application of the Postmaster-General, or any person authorized by him, issue a warrant, by virtue of which any police officer or police officers to whom the warrant is addressed may search for and seize any articles not delivered as required by this section in like manner as if the articles were stolen goods, and as if the warrant were a warrant to search for stolen goods.

### Postmaster-General of the United Kingdom

62 *Section 62 repealed by 1991:86 effective 26 July 1991*



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### Moneys due to United Kingdom Post Office Department

63 The Postmaster-General shall pay into the Consolidated Fund, at such times and in such manner as the Minister may direct, all monies for which the Postmaster-General is liable to account and which are due to the Post Office Department in the United Kingdom on Money Order account, taking from an officer of the Accountant-general's Department for every payment a receipt or voucher showing the payment to have been received by such officer for remittance, on account of the Government of Bermuda, to the Receiver and Accountant-General of the Post Office in London, or other proper officer of the Post Office Department in the United Kingdom, on Money Order account; and all such receipts or vouchers, shall be remitted as soon as may be by the Postmaster-General to the proper officer of the Post Office Department in the United Kingdom, and a schedule containing the particulars thereof shall be transmitted to, and retained by, the Accountant-General.

### Remittances to post offices outside Bermuda

64 Whenever any money is due from the Post Office in Bermuda to any post office department in any foreign country, it shall be remitted in such manner as the Minister may sanction.

*[Section 64 replaced by 1991:86 effective 26 July 1991]*

## PART IV

### POST OFFICE REGULATIONS

#### Minister may make Post Office Regulations

65 (1) The Minister may make regulations (to be called "Post Office Regulations") with respect to any matter which is authorized or required by this Act to be fixed, determined, provided for, prescribed or otherwise dealt with by Post Office Regulations, and with respect to any other matters connected with the maintenance of postal communication in Bermuda, and between Bermuda and other places.

(2) *[omitted] [covered by Interpretation Act 1951 section 35]*

(3) No Post Office Regulations which are in contravention of, or inconsistent with, or repugnant to, any of the provisions of this Act, or of any other Act, shall be of any force or effect.

(4) This section shall not authorize any expense to be incurred not otherwise sanctioned by law.

#### Post Office Regulations as to fraud

66 (1) The Minister may by Post Office Regulations make provision—

- (a) for the prevention or detection of frauds; and
- (b) with respect to the forging or counterfeiting or fraudulent alteration of postage stamps, or the use or employment of counterfeit or fictitious postage stamps, or stamps fraudulently altered, or previously used for the prepayment of postage; and

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- (c) for stopping or withholding delivery of any postal packet bearing or appearing to bear any counterfeit, fictitious or used postage stamp, or any counterfeit representation of any postage stamp; and
- (d) for detaining or withholding either temporarily or permanently any postal packet or document or the cover or envelope of any postal packet or document bearing any counterfeit or fictitious postage stamp or any postage stamp which has been apparently previously used for the prepayment of postage, or appearing or purporting to be prepaid by means of any such counterfeit or used postage stamp or counterfeit representation of any postage stamp; and
- (e) as to the mode of dealing with any postal packet posted or tendered for transmission by post and bearing or appearing to bear any false, fraudulent, counterfeit or fictitious postage stamp, or any stamp which has been apparently previously used to prepay any postal packet.

(2) For the purposes of this section “fictitious postage stamp” means any facsimile or imitation or representation, whether on paper or otherwise, of any stamp or denoting any rate of postage, including any stamp for denoting a rate of postage whether of the United Kingdom or of any other part of Her Majesty’s dominions or of any foreign country.

### Offences against Post Office Regulations

67 Post Office Regulations may impose fines not exceeding \$288 on any officer of the Post Office, any inland mail contractor, or any person in any such contractor’s employ, or any other person, for offences against Post Office Regulations.

### Parliamentary scrutiny of Post Office Regulations

68 (1) *[Repealed by 2009:44]*

(2) The negative resolution procedure shall apply to Post Office Regulations.

(3) Printed copies of all Post Office Regulations for the time being in force shall be kept for public reference at every post office.

*[Section 68 amended by 2009:44 s.2 effective 19 July 2009]*

## PART V

### OFFENCES AND LEGAL PROCEEDINGS

#### Stopping mails

69 Any person who stops a mail with intent to search the mail or to steal any postal packet in the mail, commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 4 years.

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### Unlawfully opening mails

70 Any person who, without lawful excuse, the proof of which shall be upon him, opens a mail bag commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 4 years.

### Fraudulent retention of mail bag or postal packet

71 Any person who fraudulently retains, or wilfully secretes or detains, or, when required by an officer of the Post Office, neglects or refuses to deliver up, any mail bag, or any postal packet in course of transmission by post which ought to have been delivered to any other person, commits an offence against this Act:

Punishment on summary conviction: a fine of \$1,440;

Punishment on conviction on indictment: imprisonment for 4 years.

### Postal packet unlawfully destroyed or secreted by officer of Post Office

72 Any officer of the Post Office who unlawfully secretes or destroys any postal packet in course of transmission by post commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 2 years, or, if the postal packet contains any money or any article of value, or any valuable security, imprisonment for 4 years.

### Unlawful opening of letters

73 (1) Any person, not being an officer of the Post Office, who wilfully and unlawfully and with intent to injure any other person, either opens, or causes to be opened, any letter which ought to have been delivered to that person, or does any act or thing whereby the due delivery of the letter to that other person is prevented or impeded, commits an offence against this Act:

Punishment on summary conviction: a fine of \$1,440;

Punishment on conviction on indictment: imprisonment for 12 months.

(2) The foregoing provisions of this section shall not apply in relation to a person who does any act to which this section applies where he is a parent, or in the position of a parent or guardian, of the person to whom the letter is addressed.

(3) A prosecution for an offence under this section shall not be instituted without the consent of the Director of Public Prosecutions.

*[Section 73 subsection (3) amended by 1999:8 s.2 & Sch 1 effective 1 April 1999]*

### Unlawful opening of postal packet by officer of Post Office

74 Any officer of the Post Office who, contrary to his duty, opens, or procures or allows to be opened, any postal packet in course of transmission by post, or who wilfully detains or delays, or procures or allows to be detained or delayed, any such postal packet, commits an offence against this Act:

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Punishment on summary conviction: a fine of \$1,440;

Punishment on conviction on indictment: imprisonment for 12 months.

Provided that nothing in this section shall extend to the opening or delaying of a postal packet under the authority of this Act, or of Post Office Regulations, or in obedience to an express warrant in writing under the hand of the Governor.

Misconduct of persons employed to deliver

75 Any person employed to convey or deliver a mail bag, or a postal packet in course of transmission by post—

- (a) who, whilst so employed, or whilst the mail bag or postal packet is in his custody or possession, leaves it; or
- (b) who is guilty of any act of drunkenness whilst so employed; or
- (c) who is guilty of carelessness, negligence, or other misconduct, whereby the safety of the mail bag or postal packet is endangered; or
- (d) who, without authority, collects or receives or conveys or delivers a postal packet otherwise than in the ordinary course of post; or
- (e) who 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,

commits an offence against this Act:

Punishment on summary conviction: a fine of \$1,440.

Uttering fictitious stamps

76 (1) Any person—

- (a) who makes, knowingly utters, deals in, or sells any fictitious postage stamp, or knowingly uses for any postal purpose any fictitious postage stamp; or
- (b) who has in his possession, unless he shows a lawful excuse, any fictitious postage stamp; or
- (c) who makes or, unless he shows a lawful excuse, has in his possession, any die, plate, instrument or material for making any fictitious postage stamp,

commits an offence against this Act:

Punishment on summary conviction on a prosecution instituted by or under the authority of the Postmaster-General: a fine of \$2,880

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

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(3) For the purposes of this section “fictitious postage stamp” has the same meaning as in section 66.

### Imitation of official envelopes

77 Any person who, without lawful 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 Postmaster-General of the United Kingdom [*sic*] or of the Minister, or of the post office department of any other part of Her Majesty’s dominions or of any foreign country, or having thereon any words, letters, or marks which signify or imply, or may reasonably lead the recipient to believe, that a postal packet bearing them is sent on Her Majesty’s service; 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 or imitation of or similar to or purporting to be any stamp or mark of any post office in Bermuda, or any post office under the Postmaster-General of the United Kingdom [*sic*], or under the post office department of any other part of Her Majesty’s dominions or of any foreign country, or any words, letters, or marks which signify or imply, or may reasonably lead the recipient thereof to believe, that a postal packet bearing them is sent on Her Majesty’s service; or
- (c) issues or sends by post or otherwise any envelope, wrapper, card, form, or paper so marked,

commits an offence against this Act:

Punishment on summary conviction: a fine of \$720.

### Fraudulent issue of money orders

78 (1) Any officer of the Post Office who, unlawfully and with intent to defraud, issues a Money Order, or postal order, commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 3 years.

(2) Any officer of the Post Office who knowingly re-issues a Money Order or postal order previously paid shall be deemed to have done so with intent to defraud.

### Obstruction

79 (1) Any person who wilfully obstructs, or incites any other person to obstruct, an officer of the Post Office in the execution of his duty, or who whilst in any post office, or within any premises belonging to the Post Office, or used therewith, obstructs the course of business of the Post Office, commits an offence against this Act:

Punishment on summary conviction: a fine of \$432.

(2) Any officer of the Post Office may require any person guilty of any offence under this section forthwith to leave a post office or any such premises as aforesaid, and if the

## POST OFFICE ACT 1900

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person so required refuses or fails to comply with the request, he commits an offence against this Act:

Punishment on summary conviction: a further fine of \$720, and may be removed by any officer of the Post Office, or any person authorized by any such officer; and all police officers are required on the demand of any officer of the Post Office to remove or assist in removing every such person.

Sending dangerous or obscene things by post

- 80 (1) Any person who knowingly sends, or attempts to send, by post anything—
- (a) which encloses anything, whether living or inanimate, of such a nature as to be likely to injure any other thing in the course of conveyance, or to injure any person; or
  - (b) which encloses an indecent or obscene print, painting, photograph, lithograph, engraving, book, card or article, or which has on it, or in it, or on its cover, any indecent, obscene or grossly offensive words, marks or designs,

commits an offence against this Act:

Punishment on summary conviction: a fine of \$720;

Punishment on conviction on indictment: imprisonment for 12 months.

(2) The detention in a post office of any postal packet on the ground of its having been posted in contravention of this section shall not exempt the sender thereof from any proceedings which might have been taken if such packet had been delivered in due course of post.

Restriction on use of words or marks relating to Post Office

- 81 (1) A person shall not, without authority from the Postmaster-General, place or maintain in or on any house, wall, door, window, box, post, pillar, or other place belonging to him or under his control, any of the following words, letters, or marks, that is to say—
- (a) the words “Post Office”; or
  - (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) Any person who, when required by a notice given by the Postmaster-General to remove or efface any such words, letters, or marks as aforesaid, or to remove or effectually close up any letter box belonging to him or under his control which has been a post office letter box, does not forthwith comply with the request, commits an offence against this Act:

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Punishment on summary conviction: a fine of \$288, and if the offence is continued after a previous conviction, a fine of \$144 for every day during which the offence so continues.

### Affixing placard to or disfiguring post office property

82 Any person who, without due authority, affixes or attempts to affix any placard, advertisement, notice, list, document, board or other thing, in or on any post office, post office letter box, or other property belonging to or used by or on behalf of the Post Office, or who in any way disfigures any such office, box, or property, commits an offence against this Act:

Punishment on summary conviction: a fine of \$288.

### Letter boxes; offences

83 Any person—

- (a) who places, or attempts to place, in or against any post office letter box any fire or match, or any explosive, dangerous, noxious or deleterious substance, or any fluid or filth; or
- (b) who commits any nuisance in or against any post office letter box; or
- (c) who does, or attempts to do, anything likely to injure a post office letter box, its appurtenances or contents,

commits an offence against this Act:

Punishment on summary conviction: a fine of \$720;

Punishment on conviction on indictment: imprisonment for 12 months.

### Authority to give notices on behalf of Postmaster-General

84 Any person having authority in that behalf, either general or special, may, on behalf of the Postmaster-General, give any notice or make any claim or demand which the Postmaster-General might give or make, and every such notice so given, or claim or demand so made, shall be deemed to have been given and made by the Postmaster-general on behalf of the Government.

### Recovery of postage

85 All postage and other sums payable under this Act, or under Post Office Regulations, in respect of postal packets may be recovered by the Postmaster-General, or in his name by any person authorized by him to sue for the same, in the manner provided by the Magistrates Act 1948 [*title 8 item 15*], for the recovery of a debt or liquidated demand.

### Postage due; official mark as evidence

86 The official mark of any sum on any postal packet as due to the Post Office (whether within or outside Bermuda) in respect of that packet shall in every court in Bermuda be received as evidence of the liability of the packet to the sum so marked, and such sum shall be recoverable as postage due on such packet.

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Post Office stamp on postal packet to be evidence of facts denoted

87 In any proceeding for the recovery of postage or other sums chargeable in respect of postal packets the production of any postal packet in respect of which any such postage or sum is sought to be recovered, having thereupon a post office stamp denoting that the packet has been refused or rejected, or that the addressee was dead or could not be found, shall be, prima facie, evidence of the facts denoted, and the person from whom any postal packet in respect of which any such 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.

[Assent Date: 8 November 1900]

[This Act, originally of limited duration, was brought into operation on 1 January 1901 by original section 120 thereof (repealed) and was continued in force indefinitely by 1920:37.]

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*Amended by*

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2012 30]