

THE POST OFFICE ACT
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SCHEDULE

THE POST OFFICE ACT

[15th December, 1941.]

Cap. 301.
Law
60 of 1941.
Acts
8 of 1967,
42 of 1969
3rd Sch.
9 of 1978.

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

Short title.

PART I. *Interpretation*

- 2.—(1) In this Act—

Interpreta-
tion.

“cash on delivery postal article” means a postal article on which the Postmaster-General or other postal administration undertakes at the request of the sender to collect, or secure the collection of, a sum of money on behalf of the sender from the addressee of the postal article as a condition of delivery;

“contract packet” means any vessel, including an aeroplane or airship, used for the conveyance of postal articles pursuant to contract or continuing arrangement;

“fictitious postage stamp” means any facsimile or imitation or representation of any label, stamp, or device, for denoting postage issued under this Act or by the Postmaster-General of the United Kingdom or by the Government of any part of the Commonwealth or by any foreign country;

“franking machine” means a machine for the purpose of making impressions on postal articles to denote prepayment of postage and includes any meter or meters and any franking or date-stamping die or dies incidental thereto;

“mail bag” means any bag, box, basket, parcel, or other envelope or covering, in which postal articles in course of transmission by post are conveyed, whether it does or does not contain any such article;

POST OFFICE

- “master” means any person, excepting a sea pilot, in charge of a contract packet or a vessel;
- “officer of the Post Office” includes any person employed in any business of the Post Office or on behalf of the Post Office;
- “the Post Office” means the department established for the purpose of carrying the provisions of this Act into effect and presided over by the Postmaster-General and includes every house, building, room, vessel, carriage, or place, used for the purpose of a post office, and every letter-box provided by the Post Office for the receipt of postal articles;
- “postage” means the duty chargeable for the transmission by post of postal articles;
- “postal article” includes any letter, postcard, newspaper, book, document, pamphlet, pattern or sample packet, parcel, or package, or other article whatsoever, transmissible by post whether in a closed mail bag or placed loose on board any conveyance for delivery to a post office;
- “postage stamp” means any label or stamp or device for denoting any rate of postage payable in respect of postal articles, issued under this Act, or by the Postmaster-General of the United Kingdom or by the Government of any part of the Commonwealth or by any foreign country;
- “vessel” includes an aeroplane or an airship;
- “port” includes an aerodrome.

(2) For the purposes of this Act—

- (a) a postal article shall be deemed to be in course of transmission by post from the time of its being posted at or delivered to a post office to the time of its being delivered to the addressee or of its being returned to the sender or otherwise disposed of under the provisions of this Act;

- (b) a postal article shall be deemed to cease to be such from the time of its being delivered to the addressee or of its being returned and delivered to the sender or otherwise disposed of under the provisions of this Act;
- (c) the placing of an article in any receiving box for the deposit of postal articles, or the delivery of an article to an officer of the Post Office in the course of his duties shall be deemed to be delivery to a post office and thereupon such article shall become a postal article;
- (d) the delivery of a postal article at the house or office of the addressee or to the addressee (or to his servant or agent or other person authorized to receive the article according to the usual manner of delivering postal articles to the addressee), or the inclusion of a postal article in the addressee's private box or bag, or, where the addressee is a guest or is resident at a hotel, delivery to the proprietor or manager thereof or to his agent, shall be deemed to be delivery to the addressee.

PART II. *Establishment of Post Office*

3.—(1) The Governor-General may appoint a Postmaster-General.

Appoint-
ment of
officers of
the Post
Office.

(2) The Governor-General may from time to time, appoint such other officers of the Post Office as may be necessary for the carrying into effect of the provisions of this Act.

(3) All officers serving in the Post Office on the date of the coming into operation of this Act shall be deemed to have been appointed under this Act.

(4) No person shall be employed in the Post Office unless he has first made and subscribed before a Justice the declaration contained in the Schedule.

Schedule.

(5) No stamp duty shall be payable on any such declaration.

Benefit of contracts, etc., enure to successors.

4. Upon and by virtue of the appointment of any person to be Postmaster-General the benefit of all contracts, bonds, securities, and things in action vested in his predecessor at the time of the predecessor ceasing to hold office shall be transferred to and vested in and enure for the benefit of the person so appointed in the same manner as if he had been contracted with instead of his predecessor, and as if his name had been inserted, in all such contracts, bonds, and securities, instead of the name of his predecessor.

PART III. *Privileges of Postmaster-General*

Powers of Post Master-General.

5.—(1) The Postmaster-General, subject to the special or general directions of the Minister, may—

- (a) enter into such contracts as may be necessary for the conveyance of postal articles, or otherwise for the carrying into effect of the provisions of this Act;
- (b) establish or close post offices at any place in the Island.

(2) All post offices heretofore established in the Island shall be deemed to be established under this Act.

Exclusive privilege of Postmaster-General.

6.—(1) Wheresoever postal communications are established the Postmaster-General by himself or by the officers of the Post Office, shall have the exclusive privilege of conveying from one place to another within the Island, or into or out of the Island and from or to any place between which and the Island postal communications are established, whether by land or by sea or by air, all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services

of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases—

- (a) letters carried by a private friend on his way, journey, or travel, for delivery by such friend to the person or persons to whom they are directed without hire, reward, or other profit or advantage, for receiving, carrying, or delivering, them;
- (b) letters sent by a messenger on purpose, solely concerning the affairs of the sender or receiver thereof;
- (c) process or proceedings issuing out of a Court of Justice;
- (d) letters solely concerning goods or other property, sent by land or by sea or by air, to be delivered with the goods or property which such letters concern, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering, them:

Provided that such letters are open to inspection and have superscribed thereon the words "consignee's letters" or other words to the same effect.

(2) Nothing herein contained shall authorize any person to make a collection of letters, except as aforesaid, for the purpose of sending them otherwise than by post.

(3) Subject as aforesaid the following persons are especially forbidden to collect, carry, tender, or deliver, letters or to receive letters for the purpose of carrying or delivering them, although they shall not receive hire, reward, or other profit or advantage, for so doing—

- (a) common carriers of passengers or goods and their drivers, servants, or agents, except as regards letters solely concerning goods in their carriages or conveyances; and

- (b) owners or masters of contract packets or vessels plying to or from any port or place within the Island, and their servants or agents, except as regards letters solely concerning goods on board, such letters being open to inspection and having the words "consignee's letters" or other words to the same effect superscribed thereon, and except as regards letters tendered to a master of a contract packet or vessel by an officer of the Post Office for conveyance, or letters received under subsection (3) of section 28;
- (c) passengers or other persons on board of such contract packets or vessels.

(4) For the purposes of this section "letters" includes postcards.

Power of
Postmaster-
General to
make
regulations.

7.—(1) The Postmaster-General, with the approval of the Minister, may make regulations—

- (a) for the guidance and control of the public in the course of its dealings with the Post Office;
- (b) for the disposal of undelivered postal packets;
- (c) in connection with the licensing and use of franking machines for the prepayment of postage;
- (d) declaring what articles may be transmitted as postal articles, and what articles are prohibited from being so transmitted;
- (e) classifying postal articles for the purposes of postal charges;
- (f) specifying conditions for the registration and insurance of postal articles;
- (g) specifying conditions for the issue and payment of money at post offices;

- (h) specifying the conditions under which, and the manner in which, special services will be performed for the convenience of any person;
- (i) specifying the conditions for the acceptance of cash on delivery postal articles;
- (j) specifying the hours during which post offices shall be opened for the transaction of various classes of public business;
- (k) specifying the hours during which postal articles may be posted;
- (l) specifying conditions under which compensation may be paid for the loss or damage to a postal article.

(2) The Postmaster-General, with the approval of the Minister, may by order fix the rates of postage and other charges to be paid and the scale of weights and the circumstances in which such rates and charges shall be paid in respect of—

- (a) all classes of postal articles;
- (b) late fees;
- (c) the redirection of postal articles and the transmission by post of articles so redirected;
- (d) the registration of newspapers for transmission within the Island;
- (e) the fees for registration, insurance, or express delivery, of postal articles in addition to or instead of any postage chargeable thereon under this Act;
- (f) the rates of poundage to be charged to a person remitting or receiving money through the Post Office by means of Money or Postal Orders;
- (g) the fees chargeable on all or any classes of postal articles consequent on the adoption by Jamaica of ^{9/1978} S. 2(b).

regulations agreed upon by the Universal Postal Union or arising from accession by Jamaica to any Universal Postal Convention.

(3) All such regulations and orders shall, in addition to being published in the *Gazette*, be published in a guide issued by the Postmaster-General and known as the Post Office Guide.

(4) The Postmaster-General may, with the approval of the Minister, include in such Post Office Guide—

(a) a declaration of—

- (i) the adoption of regulations agreed upon by the Universal Postal Union; or
- (ii) the adoption of any measures, consequent on the accession to any Universal Postal Convention,

for, or respecting, or in relation to, the transmission, or delivery in Jamaica, of postal articles, and a declaration that the adoption of such regulations or measures as aforesaid, or any part or modification thereof, shall be enforced within the Island;

- (b) any matter which the Postmaster-General is empowered to specify under this Act;
- (c) such other information as the Postmaster-General may think fit to include.

PART IV. *Duties of Postage*

Exemption
from
postage.

8. The Minister, by notice published in the *Gazette*, and subject to any conditions which may be set out in such notice, may exempt postal articles sent to or by any public officer, department, or body from the payment of postage.

Payment of
postage.

9.—(1) There shall be charged in respect of all postal articles such rates of postage and other charges as may be fixed by the Postmaster-General in accordance with this Act.

(2) All postage and other charges imposed under this Act shall be prepaid by means of postage stamps, impressions of franking machines used under licence issued by the Postmaster-General, or official post office stamping dies, which shall be affixed to all postal articles liable to such postage to the amount of the rates of postage payable thereon :

Provided that the Postmaster-General may determine other means of payment for such classes of postal articles as he may specify :

Provided further that the Postmaster-General may specify the conditions with regard to perforation, defacement, and all other matters subject to which postage stamps may be accepted or refused in payment of postage or other charges.

10. The following rates of postage shall be chargeable on delivery of postal articles where the postage is unpaid or insufficiently prepaid—

Unpaid or
insufficiently
prepaid
postal
articles.

- (a) where the postage is unpaid, double the prepaid rate;
- (b) where the postage is insufficiently prepaid, double the deficiency:

Provided that the minimum charge shall be one cent. L.N. 382/1970.

11.—(1) The person to whom any postal article shall be tendered for delivery on which postage or any other sum is due shall pay the postage or other sum due on his accepting delivery of the postal article unless he forthwith returns it unopened.

Liability
for payment
of postage.

(2) If any postal article appears to the satisfaction of the Postmaster-General to have been maliciously sent for the purpose of annoying the addressee he may remit the postage or other sum due.

(3) If any postal article on which the postage or any other sum chargeable is due, is refused or returned as aforesaid, or if the addressee is dead or cannot be found, then the sender shall pay the postage or other sum due thereon.

Recovery
of postage.

12. All postage or other sum imposed by or under this Act may be sued for and recovered without limit of amount and with full costs of suit before any Resident Magistrate at the instance of any officer in charge of a post office.

Provision of
stamps,
stamped
envelopes,
etc.
8/1967
S. 2.

13.—(1) The Minister may from time to time cause to be provided postage stamps for expressing or denoting rates or duties of postage, and such stamps shall be kept in the custody of the Postmaster-General.

(2) The Minister may cause to be provided stamped envelopes, stamped wrappers, stamped envelopes for registered postal articles, stamped postcards, and international and Commonwealth reply coupons, and the Post Office shall have the exclusive privilege of issuing them.

PART V. *Transmission of Money by Post*

Money and
postal
orders.

14. Subject to regulations made under section 7, the Postmaster-General may, for the purpose of facilitating the transmission of money through the Post Office, issue money orders and postal orders.

Refund of
wrong pay-
ment of
money or
postal order.

15. If any person without reasonable excuse, the burden of which shall lie on him, neglects or refuses to refund—

- (a) any amount paid to him in respect of a money order or a postal order by an officer of the Post Office, in excess of what ought to have been paid to him in respect thereof; or

- (b) the amount of a money order or postal order paid by an officer of the Post Office to him, instead of to some other person to whom it ought to have been paid,

such amount shall be recoverable by an officer of the Post Office authorized by the Postmaster-General in this behalf from the person so neglecting or refusing as if it were a civil debt.

PART VI. *Conditions of Transit*

16.—(1) The Post Office shall not incur any liability by reason of the loss, misdelivery, or delay, of, or damage to, any postal article in course of transmission by post, except in so far as such liability may in express terms be undertaken as hereinafter provided.

Liability for loss, etc., of postal articles.

(2) The Post Office shall not incur any liability by reason of the wrong payment of a money order where such wrong payment is caused by incorrect or incomplete information given by the remitter as to the name and address of the payee.

17.—(1) The Postmaster-General may specify the conditions subject to which any postal article in course of transmission by post may be redelivered to the sender without reference to the consent of the addressee.

Redelivery to sender of postal article.

(2) Save as provided by the conditions specified under subsection (1) the sender shall not be entitled to recall a postal article in course of transmission by post.

18.—(1) The Postmaster-General or any officer of the Post Office may detain and withhold from delivery, any postal article bearing or containing any fictitious postage stamp, or purporting to be prepaid with any postage stamp previously used to prepay any other postal article, or for the payment of any revenue duty or tax.

Power to detain postal articles.

(2) Any postal article detained under this section shall be dealt with as the Postmaster-General may direct, but shall not be delivered to the addressee without a direction by the Postmaster-General to that effect nor unless such addressee shall undertake to return immediately the portion of the postal article which bears the address and the fictitious or previously used stamp or, if the postal article is inseparable from the stamp, then the entire postal article, and to give such information with regard to the name and address of the sender and such other particulars as the Postmaster-General shall require.

(3) Any person who fails or refuses to comply with any such undertaking shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten dollars.

Interception
of postal
articles in
public
emergency.

19.—(1) On the occurrence of any public emergency or in the interest of public safety or tranquility, the Minister may, by an order in writing addressed to the Postmaster-General, direct that any postal articles or class or description of postal articles shall be intercepted or detained or shall be delivered to any officer of Government mentioned in the order, to be disposed of in such manner as the Minister directs.

(2) If any doubt arises as to the existence of a public emergency or as to whether any act done under subsection (1) was in the interest of public safety or tranquility, a certificate signed by the Minister shall be conclusive proof on the point.

Power to
detain and
open a mail
bag.

20. Any mail bag may be detained or opened under the written authority of the Postmaster-General.

21.—(1) If the Postmaster-General has reason to believe that any postal article contains goods in respect of which an offence is being committed or is being attempted to be committed, or if he is requested to do so by the Commissioner of Police or by any officer of police not below the rank of Superintendent, he may require by notice in writing the attendance at the post office at a specified time of the addressee of such postal article or of some agent deputed in writing by such addressee and of the person, if any, who made the request (or his agent deputed in writing) and such postal article shall then be opened by the addressee or his agent in the presence of an officer of the Post Office deputed for the purpose by the Postmaster-General and of any other person named or referred to in the notice, who attends.

Power to open certain postal articles containing goods.

(2) If the addressee or his agent fails to attend in pursuance of the notice or refuses to open the article, it shall be opened by the officer of the Post Office in the presence of any of the persons named or referred to in the notice who attend.

(3) In all cases a postal article, after being opened under this section, shall be delivered to the addressee unless it is required for the purpose of any further proceedings under this or any other enactment, rule or regulation for the time being in force.

22. The Postmaster-General shall have power to withdraw from transmission by post—

- (a) any postal article of a seditious character or having thereon any words, marks, or design, of a scurrilous, threatening, indecent, obscene, or grossly offensive, character;
 - (b) any articles prohibited under paragraph (d) of subsection (1) of section 7,
- and may dispose of them as the Minister may direct.

Power to withdraw from transmission seditious and prohibited articles.

Customs Act to apply to postal articles.

23.—(1) Subject to regulations made under section 7, the provisions of the Customs Act shall apply to goods contained in postal articles entering the Island in like manner, so far as is consistent with the tenor thereof, as they apply to any other goods:

Provided that where the provisions of the Customs Act conflict with the terms of any agreement entered into between the Post Office and the postal administration of another country, the terms of such agreement shall, in relation to any postal article, prevail over the Customs Act.

(2) Every post office shall, in respect of any postal article therein, be deemed to be a warehouse for the purposes of the Customs Act, and, in relation to any such postal article, every officer of the Post Office shall be deemed to be an officer in the Department of Customs and Excise and to have for the purposes of such postal article all the powers conferred by the Customs Act upon such officer.

Postal articles not to be opened or returned.

24.—(1) After any postal article has been delivered to a post office no officer of the Post Office shall, except as otherwise prescribed, open or return it to any person or procure or suffer it to be opened or returned unless he is authorized to do so by express warrant in writing under the hand of the Minister.

(2) The Minister may, in the interests of justice or in any particular case which appears to him to warrant such a course, grant his warrant for opening or returning any specified postal articles.

PART VII. *Contract Packets and Vessels*

Duty of master to deliver mail bags, without delay.

25.—(1) Every master of a contract packet or vessel arriving at any port or place in the Island shall without delay cause every postal article or mail bag on board

which is within the exclusive privilege conferred on the Postmaster-General by section 6, to be delivered to a post office or to the officer of the Post Office authorized in that behalf by the Postmaster-General.

(2) If there is on board a contract packet or vessel any postal article or mail bag which is within such exclusive privilege, the master shall without delay report the fact to the officer in charge of the post office at the port or place of arrival and act according to the direction he may receive from such officer, and if such postal article or mail bag is delivered to such officer, the receipt of such officer shall discharge the master from all further responsibility in respect of the postal article or mail bag.

26.—(1) The master or agent of any contract packet or vessel which is about to depart from any port or place within the Island shall give to the officer in charge of the post office at the port or place from which the contract packet or vessel is about to depart, notice in writing of the intended time of departure and of the ports or places of call and destination of the contract packet or vessel. Such notice, in case the destination of the vessel be any port or place outside of the Island, shall be given not less than twenty-four hours, and in case the destination be any port or place within the Island, not less than three hours, before the intended time of departure :

Notice of
departure of
contract
packet
or vessel.

Provided that a shorter notice may be allowed by the Postmaster-General or the officer in charge of the post office at the port or place of departure, in any case or special class of cases.

(2) Every such master or agent shall give notice to such officer in charge of the post office of any postponement of departure exceeding one hour, immediately after the postponement is decided upon.

(3) Where—

- (a) such master or agent omits to give either of such notices; or
- (b) such master departs from the port before the time mentioned in any such notice,

then every such master or agent shall be guilty of an offence against this Act.

Duty of master of vessel to carry mail bags.

27.—(1) Every master of a vessel, not being a contract packet, about to depart from any port or place in the Island to any port or place within, or any port or place beyond the limits of the Island, shall receive on board any mail bag tendered to him by any officer of the Post Office for conveyance, granting a receipt therefor in such form as the Postmaster-General may prescribe, and shall without delay deliver such mail bag at the port or place to which it is consigned.

(2) Every such master who contravenes or fails to comply with the provisions of this section shall be guilty of an offence against this Act.

Power to receive on board postal articles.

28.—(1) Any officer of the Post Office, duly authorized by the Postmaster-General, may attend on board any contract packet or vessel after the time for closing the mail by such contract packet or vessel, and receive, subject to the provisions of this Act, all postal articles fully pre-paid as prescribed by section 9 which may be brought on board, up to the time of departure, to be transmitted by such contract packet or vessel.

(2) The master of every such contract packet or vessel shall give all proper facilities to such officer of the Post Office to enable him to discharge his duties and to leave the contract packet or vessel before her departure.

(3) If there be no officer of the Post Office on board such contract packet or vessel, the master may receive all such postal articles and shall deliver them to the post office at the port or place of their destination.

29.—(1) The Minister may determine the rates of gratuities to be paid to masters, owners, or agents, of vessels, not being Government or contract packets, for the conveyance of mail bags and postal articles generally and in particular cases.

Gratuities
to masters of
vessels.

(2) Before payment is made the Postmaster-General may require the master of any vessel to produce a certificate from the post office of destination that such articles have been duly received from the master.

(3) No gratuity shall be payable—

- (a) unless application be made for payment within twelve months of the date of despatch of such postal articles;
- (b) if there has been unreasonable delay on the part of the master in delivering his mail at the post office of destination; or
- (c) if the mails have been damaged in transit, unless the master prove to the satisfaction of the Postmaster-General that such damage was not due to any fault or lack of sufficient care on his part.

(4) If the master of any vessel satisfies the Postmaster-General that he will not return to the Island within twelve months, the Postmaster-General may pay the gratuity in advance.

PART VIII. *Offences*

30. Every officer of the Post Office who issues a money or postal order or valuable security with intent to defraud shall be guilty of a misdemeanour, and shall be liable on conviction to imprisonment with hard labour for a term not exceeding four years.

Fraudulent
issue of
money
orders, etc.
42/1969
3rd Sch.

Unlawfully
opening,
etc., postal
articles.

31.—(1) Every person, being employed by or on behalf of the Post Office, who—

(a) opens or returns to the sender, or procures or suffers to be opened or returned to the sender, any postal article; or

(b) wilfully detains or delays, or permits the detention or delay of, any such thing,

shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment with hard labour for a term not exceeding two years or to a fine not exceeding two hundred dollars or to both such fine and such imprisonment.

(2) Nothing in this section shall extend to the opening, returning, or delaying, of any mail bag or postal article under the authority of this Act, or in obedience to the order in writing of the Minister or of the Postmaster-General or to the order of a competent court.

Fraud in
connection
with delivery
of postal
articles.

32. Every officer of the Post Office who—

(a) fraudulently puts any wrong official mark on a postal article;

(b) fraudulently alters, removes, or causes to disappear any official mark which is on a postal article;

(c) being entrusted with the delivery of any postal article knowingly demands or receives any sum of money in respect of the postage or other charges thereof which is not chargeable under this Act;

(d) sends by post or puts into any mail bag any postal article upon which the postage has not been paid or charged in the prescribed manner intending thereby to defraud the Government of the postage on such postal article,

shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment with hard labour for a term not exceeding two years or to a fine not exceeding two hundred dollars or to both such fine and imprisonment.

33. Every person who fraudulently retains or wilfully secretes or makes away with or keeps or detains, or when required by an officer of the Post Office neglects or refuses to deliver up, any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, shall be guilty of a misdemeanour and shall be liable on conviction to imprisonment with hard labour for a term not exceeding two years or to a fine not exceeding two hundred dollars or to both such fine and imprisonment.

Secreting
mail bags or
postal
articles
wrongly
delivered.

34.—(1) Every person who, with intent to defraud—

- (a) removes from any postal article which is in course of transmission by post any stamp affixed thereon; or
- (b) removes from any stamp previously used any cancellation mark made thereon; or
- (c) knowingly uses a postage stamp which has been obliterated or defaced by a cancellation mark made thereon,

Fraudulently
removing
stamps.

shall be guilty of an offence against this Act.

(2) On the trial of a person charged with knowingly using a postage stamp which has been obliterated or defaced by a mark made thereon at a post office, proof that the person charged is the writer of the address of anything sent by post on which the stamp is affixed shall be *prima facie* evidence that he is the person who used the stamp.

Transmis-
sion of
prohibited
articles.

35.—(1) Every person who in contravention of any of the provisions of this Act or of any regulations made thereunder sends or tenders or makes over in order to be sent by post any postal article, or thing, which under section 22 the Postmaster-General may withdraw from transmission by post, shall be guilty of an offence against this Act.

(2) The detention in the post office or withdrawal from transmission by post of any postal article on the ground of its having been sent in contravention of this Act shall not exempt the sender from any proceeding which might have been taken if the postal article had been delivered in due course of post.

Fraudulent
evasion and
false state-
ment on
postal
articles.

36. Every person who—

- (a) knowingly and fraudulently puts into a post office anything in or upon which, or in or upon the cover of which, there is any letter, newspaper, or other thing, or any writing or mark, contrary to law; or
- (b) wilfully subscribes on the outside of anything sent by post a false statement of its contents; or
- (c) knowingly and fraudulently puts into a post office anything which falsely purports to be a thing falling within any exemption or privilege declared by the law relating to postal articles, shall be guilty of an offence against this Act.

Unlawfully
disclosing
contents of
postal
articles.

37. Every person who reveals, discloses, or in any way makes known, the contents of any postal article opened under the authority of this Act, except so far as may be necessary for the purpose of returning the same to the sender or so far as may be authorized by the Postmaster-General in writing, shall be guilty of an offence against this Act.

38. Every person who—Imitating
post office.

- (a) without the authority of the Postmaster-General, the proof of which lies on the person charged, places, or maintains, or permits to be placed or maintained or to remain in, or near, any place under his control the words “post office”, or 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 receptacle provided by the authority of the Postmaster-General as aforesaid; or
- (b) without the authority of the Postmaster-General, the proof of which lies on the person charged, places, or permits to be placed or to remain, on any vehicle or vessel under his control the words “Royal Mail”, or any word, letter, or mark which signifies or implies, or may reasonably induce any person to believe, that the vehicle or vessel is used for the conveyance of mails,

shall be guilty of an offence against this Act.

39. Every person who—Damaging
Post Office
letter box.

- (a) wilfully destroys or damages any receptacle provided by authority of the Postmaster-General for the reception of postal articles, or any card or notice relating to the Post Office, or obliterates any letter or figure on any such thing; or
- (b) wilfully places in or against any receptacle provided by the authority of the Postmaster-General for the reception of postal articles, any fire or match, or any explosive, dangerous, noxious, or deleterious, substance, or any fluid or filth,

shall be guilty of an offence against this Act.

Contra-
ven-
tion of
exclusive
privilege of
Postmaster-
General.

40.—(1) Every person who—

- (a) conveys otherwise than by post a letter within the exclusive privilege conferred by section 6; or
- (b) performs any service incidental to conveying otherwise than by post any letter within such exclusive privilege; or
- (c) sends or tenders or delivers in order to be sent, otherwise than by post, a letter within such exclusive privilege; or
- (d) makes a collection of letters excepted from such exclusive privilege for the purpose of sending them otherwise than by post; or
- (e) carries, receives, tenders, delivers, or collects letters in contravention of this Act,

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten dollars for every such letter.

(2) Every person who having already been convicted of an offence under this section is again convicted thereunder, shall on every subsequent conviction be liable to a fine not exceeding twenty dollars for every such letter or if the letters are less than ten to a fine not exceeding two hundred dollars.

Selling
stamps, etc.,
at other than
fixed rates.

41. Every person appointed by the Postmaster-General to retail any stamped envelopes, stamped wrappers, stamped envelopes for registered postal articles, stamped postcards, and international and Commonwealth reply coupons, who sells them at a rate other than that fixed by the Postmaster-General shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty dollars or to imprisonment with hard labour for a period not exceeding three months.

42. Every person who—

Carelessness,
etc., in
delivering
mail bags.

(a) being employed by or on behalf of the Post Office to convey or deliver postal matter whilst so employed—

- (i) allows any mail bag or postal article out of his possession; or
- (ii) suffers any unauthorized person to interfere with any such bag or postal article; or
- (iii) is guilty of any neglect whereby any such mail bag or postal article is endangered; or
- (iv) is guilty of any unreasonable delay in the delivery of any such bag or postal article; or
- (v) is under the influence of intoxicating liquor; or
- (vi) does not convey postal articles at the speed fixed by the Postmaster-General for the conveyance thereof, unless prevented by some cause beyond his control, the proof whereof lies on the person charged; or

(b) being employed by or on behalf of the Post Office wilfully loses any postal article or wilfully detains or delays, or permits the detention or delay of, any postal article contrary to law, shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty dollars.

43. Every person who without the authority of the Postmaster-General affixes or attempts to affix any placard, advertisement, notice, list, document, board, paint, tar, or other thing, to any post office shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten dollars.

Defacing
Post Office.

PART IX. *General*

Post Office
mark
prima facie
evidence.

44. In every proceeding for the recovery of any postage or other sum alleged to be due under this Act in respect of a postal article—

- (a) the production of a postal article having thereon the official mark of the Post Office or the signature or the initials of an officer in charge of a post office denoting that the article has been refused or unclaimed or that the addressee is dead or cannot be found shall be *prima facie* evidence of the fact so denoted; and
- (b) the person from whom the postal article purports to have come shall, until the contrary is proved be deemed to be the sender thereof; and
- (c) the official mark on a postal article denoting that any postage or other sum is due in respect thereof to the Post Office or to the Post Office of the United Kingdom, or to the postal department of any Commonwealth country or of any foreign country, shall be *prima facie* evidence for all purposes that such postage or other sum is due.

Exemption
from stamp
duty.

45. Notwithstanding anything to the contrary contained in any enactment every deed, instrument, money order, postal order, bill, cheque, receipt, or other document, made or executed for the purpose of the Post Office by, to, or with, any officer of the Post Office shall be exempt from any stamp duty.

Venue of
indictment.

46. Every person who commits any offence against this Act may be proceeded against, indicted, tried, and punished in any parish or place in which such person may be apprehended or may be in custody for such offence or may appear in answer to a summons lawfully issued charging the offence as if the offence had been committed

in that parish or place and the offence shall for all purposes incidental to or consequential upon the prosecution, trial, or punishment, thereof be deemed to have been committed in that parish or place.

47. In any case where an offence is committed in respect of a mail bag or postal article or of a chattel, money, or valuable security, sent by post, it shall be lawful to lay the property of the mail bag, postal article, chattel, money, or valuable security, in the Postmaster-General.

Manner of
laying
property.

48.—(1) Every person who is guilty of an offence against this Act shall, save where otherwise expressly provided, be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars or to imprisonment with hard labour for a term not exceeding twelve months.

Penalties.

(2) Every person who contravenes or fails to comply with any regulation made under this Act (including any regulation adopted under subsection (4) of section 7) shall, save where otherwise by this Act or by regulation expressly provided, be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty dollars or to imprisonment with hard labour for a term not exceeding six weeks.

49. Any reference in any enactment or in any regulations to a post-letter shall be construed as being a reference to a postal article as defined by section 2.

Post-letter:
Construc-
tion.

(Section 3(4))

SCHEDULE

I,....., an employee in the Post Office of Jamaica do solemnly and sincerely declare that I will not wittingly or willingly open or delay or cause or suffer to be opened or delayed, contrary to my duty, any letter or anything sent by the post which shall come into my hands or custody by reason of my employment relating to the Post Office; that I will not embezzle or tamper with any such letter or anything sent by the Post Office as aforesaid; that I will observe the strictest secrecy in relation to all letters, telegrams, messages, communications, intelligence, business and all matters whatsoever, communicated to or done by me, or coming to my knowledge in the course of or during my employment; and that I will never at any time upon any pretence or account whatsoever without the consent of the Minister or save where so required by law, disclose, divulge, or make known, to any persons whatsoever, any such letters, telegrams, messages, accounts, communications, intelligence, business, or matters aforesaid or the purport thereof, respectively, or anything in any matter relating thereto unless compelled so to do by a court of law or other competent tribunal, and I make this solemn declaration conscientiously intending to fulfil and obey the same.

Signature of Employee.....
 Declared before me this.....day of.....
 Signature of Justice of the Peace.....