

CHAPTER 27A

POST OFFICE

1975-22

This Act came into operation on 1st January, 1981 by Proclamation (S.I. 1980 No. 196).

Amended by:

1975-59

1992-17

2000-27

1992-16

1992-29

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1978

1995

1985

2002

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 27A

POST OFFICE
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Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

FUNCTIONS AND PRIVILEGES OF POSTMASTER-GENERAL

3. Special powers of Postmaster-General
4. Exclusive privilege of Postmaster-General

PART III

POSTAGE

5. Payment of postage
6. Exemption from postage
7. Unpaid or insufficiently prepaid postal articles
8. Recovery of postage

9. Provision of stamps, stamped envelopes etc.

PART IV

REVENUE

10. Disposal of revenue

PART V

TRANSMISSION OF MONEY BY POST

11. Transmission of money by post

PART VI

UNIVERSAL POSTAL UNION

12. Arrangements for maintaining membership in Universal Postal Union

PART VII

CONDITIONS OF TRANSIT

13. Liability for loss, etc. of postal articles
14. Redelivery to sender of postal article
15. Power to detain postal articles
16. Interception of postal articles in public emergency
17. Power to detain and open mail bags
18. Power to open certain postal packets

19. Power to withdraw prohibited articles from transmission
20. Application of Customs Act to postal articles
21. Postal articles not to be opened or returned
22. Conveyance of mail by ships and aircraft outward bound
23. Conveyance of mail by ships and aircraft inward bound
24. Ship owner's letters
25. Retention of postal articles after delivery of part thereof to Post Office
26. Remuneration of owners and masters or commanders of ships or aircraft
27. Penalty for opening of mail bag by master or commander of ship or aircraft
28. Penalty for delay or other delinquencies by air and sea carriers
29. Power to receive on board postal articles

PART VIII

GENERAL OFFENCES

30. *[Repealed]*
31. Unlawfully taking away or opening mail bag
32. *[Repealed]*
33. Fraudulent retention of mail bag or postal packet
34. Criminal diversion of letters from addressee

35. Secreting etc., by officer of Post Office of postal packet
36. Fraud in connection with receipt and delivery of postal articles
37. Delaying postal packets
38. Carelessness, negligence, or misconduct in carrying or delivering mail bags, postal packets, etc.
39. Prohibition of placing injurious substances in or against Post Office letter box
40. Prohibition of affixing placards, notices, etc. on Post Office letter boxes
41. Prohibition of imitation of Post Office stamps, envelopes, forms and marks
42. Persons having in their possession paper provided for postage covers etc. before being duly stamped
43. Prohibition of fictitious stamps
44. Prohibition of false notice as to reception of letters etc.
45. Obstruction and molestation of officers of the Post Office
46. Provision against hawking etc. on post office premises
47. Abettors in indictable and summary offences
48. Contravention of exclusive privilege of Postmaster-General
49. Prohibition of sending
50. Penalty for disclosing or delaying messages to be sent by telegram

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51. Fraudulently removing stamps
 52. Provisions as to form of proceedings
 53. Evidence of thing being postal packet
 54. Prosecution of offence
 55. Offences also punishable at common law or under other enactment
 56. Legal designation of Post Office letter box

PART IX

MISCELLANEOUS

57. Discontinuation of stamps, dies, etc.
58. Exemption from stamp duty
59. Regulations
60. Agreements for exchange of correspondence between Barbados and other countries

**BARBADOS**POST OFFICE
1975-22

An Act to amend and consolidate the law relating to the Post Office.

[Commencement: 1st January, 1981]

PART I
PRELIMINARY**Short title**

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

Interpretation

- 2.(1) For the purposes of this Act

“cash on delivery postal article” means a postal article in respect of which the Postmaster-General or any 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 that article as a condition of delivery;

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

“common carrier” means the owner or operator of any ship, aircraft or vehicle lawfully used for the conveyance of passengers or goods;

“double postage” means twice the amount of single postage;

“fictitious postage stamp” means any facsimile or imitation or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage of any country whatsoever, or of any dependency thereof;

“foreign”, in relation to any postal packet, means

- (a) posted in Barbados and sent to a place outside Barbados;
- (b) posted in a place outside Barbados and sent to a place in Barbados or intransit through Barbados to a place outside Barbados;

“foreign newspapers” means newspapers printed and published in a country outside Barbados in the language of that country;

“inland”, in relation to any postal packet, means posted in Barbados and addressed to a place in Barbados;

“inland postage” means the postage chargeable on an inland postal packet;

“mail” means any article in the course of transmission by post;

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

“master”, in relation to a ship, means any person, except a port pilot, in charge of that ship;

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

“officer of customs” means the Comptroller of Customs and any person who is employed in the service of the Crown on a whole-time or part-time basis in the Customs and Excise Department;

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- “officers of the Post Office” includes the Postmaster-General and any other person employed in any business of the Post Office or on behalf of the Post Office;
- “parcel” means any postal packet defined as a parcel by the regulations;
- “port” includes any airport;
- “postage” means the duty chargeable for the transmission of postal articles;
- “postage meter” means a machine for the purpose of making impressions on postal articles to denote prepayment of postage, and includes any meter and any date-stamping die incidental thereto;
- “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 under the law of any other country or of any dependency thereof;
- “postal article” and “postal packet” means a letter, postcard, newspaper, book, packet, other printed paper packet or parcel, and every packet or other article whatsoever, in the course of transmission by post, whether in a closed mail bag or placed loose on board any conveyance for delivery to a post office;
- “Post Office” means the Post Office Department established for the purpose of carrying the Post Office Acts into effect, and includes every house, building, room, vessel, vehicle 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;
- “Post Office Acts” means this Act and any other enactment relating to the management of the post or to the establishment of the Post Office or to the postage charges from time to time in force;
- “Post Office letter box” includes any pillar box, wall box, or other box or receptacle provided by the permission or under the authority of the Postmaster-General for the purpose of receiving postal packets or any class of postal packets for transmission by or under the authority of the Postmaster-General;

“purposes of the Post Office” includes any purpose relating to or in connection with the execution of any duties for the time being undertaken by the Postmaster-General or any other officer of the Post Office;

“ship” includes any boat or vessel whatsoever;

“valuable security” has the same meaning as in the *Theft Act*, Cap. 155, and includes anything which is a valuable security within the meaning of that Act, and any part of such thing;

[1992-29]

“vessel” includes an aircraft.

(2) For the purposes of this Act

- (a) an 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 this Act;
- (b) an article shall cease to be a postal article when it is no longer in the course of transmission by post;
- (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 that 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 authorised 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 an hotel, delivery to the proprietor or manager thereof or to his agent, shall be deemed to be delivery to the addressee.

PART II
FUNCTIONS AND PRIVILEGES OF POSTMASTER-GENERAL

Special powers of Postmaster-General

- 3.(1) The Postmaster-General may with the approval of the Minister
- (a) enter into such contracts as may be necessary for the conveyance of postal articles or otherwise for carrying this Act into effect;
 - (b) under authority of this Act, receive from and send postal packets by vessels not being government vessels or Post Office vessels or steamers, and pay the necessary gratuities for the conveyance of such mail;
 - (c) establish or close Post Offices at any place in Barbados;
 - (d) make, at the General Post Office and such branch post offices and receiving houses as he thinks fit, arrangements whereby messages may, subject to the regulations, be received from any person within Barbados for transmission by telegram to persons outside Barbados;
 - (e) whenever necessary, delay the transmission of book packets, printed papers and other non-priority postal articles, for a period not exceeding 24 hours, in order to prevent obstacles to the transmission of letters and other priority postal articles.
- (2) Notice of all arrangements made under paragraph (d) of subsection (1) shall be published in the *Official Gazette*.

Exclusive privilege of Postmaster-General

- 4.(1) Subject to this section, the Postmaster-General by himself or by any other officer of the Post Office shall have the exclusive privilege of—
- (a) conveying from one place to another within Barbados all letters; and

- (b) performing all the incidental services of receiving, collecting, sending, despatching—
 - (i) all letters within Barbados, and
 - (ii) all letters going to or coming from places outside Barbados.
- (2) Subject to subsection (3), subsection (1) does not apply to—
 - (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 purposes solely concerning the affairs of the sender or receiver thereof;
 - (c) commissions or returns thereof, and affidavits and writs, process or proceedings, or returns thereof, issuing out of a court;
 - (d) letters solely concerning goods or other property, sent by land, sea or 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, if such letters are open to inspection and have superscribed thereon the words “ consignee’s letters ” or other words to the same effect.
- (3) Nothing in subsection (2) authorises any person to make a collection of letters other than letters referred to in that subsection for the purpose of sending them otherwise than by post.
- (4) The Minister may suspend or modify the operation of any provision of this section in relation to any mail route if and for so long as the public interest requires such action.
- (5) Subject to subsection (2), the following persons are 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 and their drivers, servants, or agents, except as regards letters solely concerning goods in their vessels or vehicles; and
 - (b) owners or masters of vessels in respect of which contracts have been entered into under paragraph (a) of section 3(1), plying to or from any port or place within Barbados, and their servants or agents, except as regards—
 - (i) 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
 - (ii) letters tendered to a master of a contract vessel by an officer of the Post Office for conveyance;
 - (c) passengers or other persons on board vessels owned or operated by common carriers.
- (6) For the purposes of this section, the expression “letter” includes postcards.
- (7) The Postmaster-General with the approval of the Minister may publish a Post Office guide in which shall be included—
- (a) a declaration of the adoption of the regulations agreed upon by the Universal Postal Union, for or respecting, or in relation to, the transmission of postal articles, and a declaration that such regulations or any part or modification thereof shall be enforced within Barbados;
 - (b) any matter which the Postmaster-General is empowered to specify under this Act;
 - (c) such other information as the Postmaster-General thinks fit to include.

PART III
POSTAGE

Payment of postage

5.(1) Subject to section 6, there shall be charged in respect of all postal articles such rates of postage and other charges as may be prescribed.

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

Exemption from postage

6.(1) There shall be exempt from the payment of inland postage all letters and communications transmitted by post from—

- (a) any Ministry or department of the Government;
- (b) such other bodies or officials as the Minister may from time to time by notice published in the *Official Gazette* declare to be approved bodies and officials for the purposes of this section.

(2) Every letter of communication mentioned in subsection (1) shall—

- (a) be on the official business of the Ministry or department, or, as the case may be, of the other body or official from which or whom the same is forwarded;
- (b) be marked “ On service ” and bear legibly inserted on the bottom left hand corner of the envelope under the address the designation of the Ministry or department, or, as the case may be, of the other body or official, and the official title of the sender.

(3) Subject to subsection (4), the Minister may by notice published in the *Official Gazette* exempt from the payment of inland postage letters and

communications transmitted by and through the post to any Ministry, department of the Government, body or official specified in such notice.

- (4) Every letter or communication mentioned in subsection (3) shall—
- (a) be on the official business of the Ministry, department, body or official to which or whom the same is addressed;
 - (b) bear legibly inscribed on the bottom left hand corner of the envelope under the address the name and address of the sender.
- (5) Any person who in any letter or communication mentioned in subsection (1) or (3) writes on any subject not connected with the official business of the Ministry, department, body or official from or to which or whom such letter or communication is sent is guilty of an offence and liable on summary conviction to a fine of fifty dollars.

Unpaid or insufficiently prepaid postal articles

7.(1) The following rates of postage shall be chargeable on delivery of postal articles sent by inland post where the postage is unpaid or insufficiently prepaid—

- (a) where the postage is unpaid, double the prepaid rate;
 - (b) where the postage is insufficiently prepaid, double the deficiency.
- (2) Subject to subsection (3), the charges for unpaid or underpaid letters and postcards brought to Barbados for delivery within Barbados shall be in accordance with the charges laid down in the Universal Postal Union Convention for the time being in force.
- (3) The charges for unpaid or underpaid postal articles which are posted on board ship shall be in accordance with the charges laid down in the Universal Postal Union Convention for the time being in force; but if such articles are handed in at the Post Office by the ship's master, or his agent, at the time of the arrival of the ship in Barbados, and bear the postage stamps of the country to

which the ship belongs or is under contract, for the correct postage thereon, such stamps shall be accepted and no further postage shall be demanded.

Recovery of postage

8. All postage or other charges imposed by or under this Act may be sued for and recovered in civil proceedings before a magistrate at the instance of the Postmaster-General or any other officer in charge of a post office, notwithstanding that the amount thereof exceeds the normal monetary limit on the jurisdiction of the magistrate's court.

Provision of stamps, stamped envelopes etc.

9.(1) The Postmaster-General, with the approval of the Minister, may cause to be provided postage stamps, stamped envelopes, stamped wrappers, stamped envelopes for the registered postal items, stamped postcards and International reply coupons.

(2) The Post Office shall have responsibility for the safe storage of and the exclusive privilege of issuing the postal materials referred to in subsection (1).

PART IV

REVENUE

Disposal of revenue

10. The proceeds of the postage and other charges imposed by or under this Act, other than such amounts as, by the terms of any contract for the transmission of messages by telegram entered into under section 3, are required to be paid over to the person with whom the contract is made, shall be paid into the Consolidated Fund.

PART V
TRANSMISSION OF MONEY BY POST

Transmission of money by post

11.(1) The Minister for the purpose of facilitating the transmission of money through the Post Office may authorise the Postmaster-General to issue money orders and postal orders.

(2) The Minister may, under terms and conditions as he considers expedient, authorise the payment of money orders and postal orders issued by postmasters in Barbados or any other country with which a money order or postal order service is maintained.

(3) The Minister is hereby authorised to enter into the necessary arrangements with the proper authorities of any other country with which a money order or postal order service is maintained, under which such money or postal orders may be issued and paid in the post offices of Barbados.

(4) 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 the amount which 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 may be recovered in civil proceedings before a magistrate by an officer of the Post Office, authorised in writing by the Postmaster-General for the purpose, from the person so neglecting or refusing, notwithstanding that such amount exceeds the normal monetary limit on the jurisdiction of the magistrate's court.

- (5) (a) The loss resulting from the payment in Barbados of a forged postal order issued in another country shall be shared between that other country and Barbados in such proportions as may be agreed on by the proper authorities in that other country and the Postmaster-General acting under the directions of the Minister.
- (b) The proportionate share of loss to be borne by Barbados shall be paid out of moneys provided by Parliament for that purpose.
- (6) The Minister may authorise the transmission of money in registered letters through the post.

PART VI

UNIVERSAL POSTAL UNION

Arrangements for maintaining membership in Universal Postal Union

12. The Minister may make the necessary arrangements with the proper authorities to enable Barbados to continue to be a member of the Universal Postal Union.

PART VII

CONDITIONS OF TRANSIT

Liability for loss, etc. of postal articles

13.(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 provided for by this Part.

(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.

Redelivery to sender of postal article

14.(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.

(2) Except 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.

Power to detain postal articles

15.(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.

(2) Any postal article detained under this section shall be dealt with as the Postmaster-General directs, but shall not be delivered to the addressee—

(a) without a direction by the Postmaster-General to that effect; nor

(b) unless the addressee undertakes 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, 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 requires.

(3) Any person who fails or refuses to comply with any undertaking referred to in paragraph (b) of subsection (1) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

Interception of postal articles in public emergency

16.(1) During any period of public emergency within the meaning of section 25 of the Constitution or in the interests of public safety or public order, the Governor-General 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 Governor-General directs.

(2) If any doubt arises as to the existence of a period of public emergency or as to whether any act done under subsection (1) was in the interests of public safety or public order, a certificate signed by the Governor-General shall be conclusive evidence of the fact.

Power to detain and open mail bags

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

Power to open certain postal packets

18.(1) If the Postmaster-General has reason to believe that any postal article contains materials 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 member of the Police Force not below the rank of Inspector, he may require by notice in writing the attendance at the post office 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.

(2) If the addressee or his agent fails to attend in pursuance of the notice or refuses to open the article, it shall be delivered to any public officer, who is authorised to receive it, to be disposed of in such manner as the Minister directs.

(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 proceedings under this or any other enactment or other law.

Power to withdraw prohibited articles from transmission

19. The Postmaster-General may 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 by the regulations from being transmitted by post,

and dispose of them as the Minister directs.

Application of Customs Act to postal articles

20.(1) Subject to the regulations, the provisions of the *Customs Act*, Cap. 66 shall apply to goods contained in postal articles entering Barbados as they apply to any other goods; but where the provisions of that 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 provisions of that 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 of customs and to have for the purposes of such postal article all the powers conferred by that Act upon such officer.

Postal articles not to be opened or returned

21.(1) After any postal article has been delivered to a post office, no officer of the Post Office shall, except as otherwise provided by this Act or the regulations, open or return it to any person or procure or suffer it to be opened or returned unless he is authorised to do so by the Postmaster-General.

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

Conveyance of mail by ships and aircraft outward bound

22.(1) Every master of a ship or commander of an aircraft outward bound shall receive on board his ship or aircraft all mail tendered to him by an officer of the Post Office for conveyance, and having received it shall deliver it, on arriving at the port or place of his destination, without delay.

(2) A master of any such ship or a commander of any such aircraft who fails to comply with this section is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

Conveyance of mail by ships and aircraft inward bound

23.(1) Subsections (2) to (4) shall apply in relation to a ship or aircraft inward bound carrying any postal packets within the exclusive privilege of the Postmaster-General, not being packets to which section 24 applies.

(2) The master of the ship or commander of the aircraft shall collect all such postal packets on board his ship or aircraft and enclose them in a bag or other covering sealed with his seal and addressed to the Postmaster-General and shall without delay deliver them 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.

- (3) The master of a ship or the commander of an aircraft who fails to comply with subsection (2) is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.
- (4) The master of the ship or commander of the aircraft shall not break bulk on board his ship or aircraft in any port or place before he has complied with subsection (2), and if he does so, he is guilty of an offence and liable on summary conviction to a fine of one hundred dollars.
- (5) An officer of customs may refuse to permit bulk to be broken on board any inward bound ship or aircraft until he is satisfied that any postal packets brought to Barbados in that ship or aircraft which are required to be delivered under subsection (2) have been so delivered.
- (6) An officer of customs may search any inward bound ship or aircraft for, and seize, any postal packets within the exclusive privilege of the Postmaster-General and shall forward any such packets seized to the nearest post office.
- (7) Upon the arrival in Barbados of his ship or aircraft, the master of the ship or commander of the aircraft shall, in the most expeditious manner possible and in keeping with the proper documentation, ensure that all mail for which he is responsible has been accounted for and delivered to—
- (a) an officer of the Post Office who is authorised to receive it; or
 - (b) an agent who is authorised to receive mail from his ship or aircraft for subsequent delivery to the Post Office.
- (8) If—
- (a) any master of a ship or commander of an aircraft fails to comply with subsection (7); or
 - (b) any agent or other person who has responsibility for the receipt or subsequent delivery of any such mail wilfully delays, withholds or diverts from delivery to the Post Office any such mail, or any portion thereof,

he is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

Ship owner's letters

24.(1) Subsections (2) and (3) shall apply to any letter addressed to the owner, charterer or consignee of a ship or aircraft inward bound or to the owner, consignee or shipper of any goods carried in such ship or aircraft, being a letter which, not being excepted from the exclusive privilege of the Postmaster-General, complies with the following conditions—

- (a) that the addressee is described in the address or superscription on the letter as such owner, charterer, consignee or shipper; and
- (b) in the case of a letter addressed to an owner, consignee or shipper of goods, that it also appears by the ship's manifest or by the manifest and declaration of the aircraft that the addressee has goods on board the ship or aircraft.

(2) Any such letter required to be delivered to a person at the place of arrival of the ship or aircraft shall be delivered to that person by the master of the ship or the commander of the aircraft free of inland postage, and that person shall be entitled to the delivery thereof before the delivery of any other postal packets to the Post Office.

(3) Any such letter required to be delivered to a person at any other place in Barbados shall be delivered by post on payment of inland postage only.

(4) If any person with intent to evade any postage falsely superscribes any letter as being for the owner, charterer or consignee of the ship or aircraft conveying the letter, or for the owner, consignee or shipper of goods carried in that ship or aircraft, he is guilty of an offence and liable on summary conviction for each such offence to a fine of fifty dollars.

Retention of postal articles after delivery of part thereof to Post Office

25. Any person who, being the master or commander, an officer or member of the crew, or a passenger, of a ship or aircraft inward bound, knowingly has in his baggage or in his possession or custody any postal packet to which section 4(1) applies, after the master of the ship or commander of the aircraft has sent any part of the postal packets on board the ship or aircraft to the Post Office, is guilty of an offence and liable on summary conviction to a fine of twenty-five dollars for every such packet; and if he detains any such packet after demand made either by an officer of customs or by any person authorised by the Postmaster-General to demand the postal packets on board the ship or aircraft, he is guilty of a further offence and liable on summary conviction to a fine of fifty dollars for every postal packet so detained.

Remuneration of owners and masters or commanders of ships or aircraft

26. The allowances and gratuities to be paid to—

- (a) owners or masters of ships or owners or commanders of aircraft in respect of postal packets or any description thereof conveyed by them on behalf of the Post Office; and
- (b) any other persons in respect of postal packets or any description thereof brought by them to any post office from any ship or aircraft, and the conditions and restrictions under which those payments are to be made,

shall be such as may be prescribed.

Penalty for opening of mail bag by master or commander of ship or aircraft

27.(1) The master of a ship or the commander of an aircraft who—

- (a) opens a sealed mail bag with which he is entrusted for conveyance; or

- (b) takes out of a mail bag with which he is entrusted for conveyance any postal packet or other thing,

is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

- (2) If any person to whom postal packets have been entrusted by the master of a ship or the commander of an aircraft for delivery to a post office, breaks the seal, or in any manner wilfully opens them, he is guilty of an offence and liable on summary conviction to a fine of \$100.

Penalty for delay or other delinquencies by air and sea carriers

28. A common carrier with whom the Postmaster-General has arranged for the conveyance of mail either by air or sea who without reasonable excuse, the proof whereof shall lie upon him

- (a) delays any mail; or
(b) fails or refuses to convey or deliver any mail,

is guilty of an offence and liable on summary conviction to a fine of \$1 000.

Power to receive on board postal articles

29.(1) Any officer of the Post Office duly authorised by the Postmaster-General may attend on board any vessel and receive, subject to the provisions of this Act and the regulations, all postal articles fully prepaid in accordance with this Act and the regulations, which may be brought on board after the closing time for the regular mails and up to the time of departure, for transportation by that vessel.

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

PART VIII
GENERAL OFFENCES

30. *[Repealed by 1992-29.]*

Unlawfully taking away or opening mail bag

31. Any person who unlawfully

- (a) takes away or opens a mail bag sent by any ship, vehicle or aircraft employed by or under the Post Office for transmission of postal packets; or
- (b) takes a postal packet in course of transmission by post out of a mail bag so sent,

is guilty of an offence and liable on conviction on indictment to imprisonment for 14 years.

32. *[Repealed by 1992-29.]*

Fraudulent retention of mail bag or postal packet

33. Any person who fraudulently retains, or wilfully secretes or keeps, or detains, or who, when required by an officer of the Post Office, neglects or refuses to deliver up

- (a) any postal packet which is in course of transmission by post and which ought to have been delivered to any other person; or
- (b) any postal packet in course of transmission by post or any mail bag which has been found by him or by any other person,

is guilty of an offence and liable on conviction on indictment to a fine of \$2 500 or to imprisonment for 3 years, or both.

Criminal diversion of letters from addressee

34.(1) Any person who, not being a person employed in, by or under the Post Office, wilfully and maliciously, with intent to injure any other person

- (a) opens or causes to be opened any postal packet which ought to have been delivered to that other person; or
- (b) does any act or thing whereby the due delivery of the packet to that other person is prevented or impeded,

is guilty of an offence and liable on summary conviction to a fine of \$250 or to imprisonment for 6 months.

(2) Nothing in subsection (1) applies to a person who does any act mentioned in that subsection where he is parent or in the position of parent or guardian of the person to whom the postal packet is addressed.

(3) For the purposes of this section, the expression “postal packet” means a postal packet which is in course of transmission by post or which has been delivered by post.

Secreting etc., by officer of Post Office of postal packet

35. Any officer of the Post Office who secretes a postal packet in course of transmission by post, is guilty of an offence and liable on conviction on indictment to imprisonment for 7 years or, if the postal packet contains any chattel, money or valuable security, to imprisonment for life.

[1992-16; 1992-29]

Fraud in connection with receipt and delivery of postal articles

36. Any 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) 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 Crown of the postage in respect of such postal article;
- (e) wilfully, with intent to defraud the Crown of postage, affixes or causes to be affixed to a postal article, any amount of postage other than the amount of postage paid for by or on behalf of the sender of that article,

is guilty of an offence and shall be liable on conviction on indictment to a fine of \$5 000 or to imprisonment for 5 years or both.

Delaying postal packets

37.(1) Any person employed in, by or under the Post Office who

- (a) contrary to his duty opens or procures or suffers to be opened any postal packet in course of transmission by post; or
- (b) wilfully detains or delays or procures or suffers to be detained or delayed any such postal packet,

is guilty of an offence and liable on conviction on indictment to a fine of \$2 500 or to imprisonment for 3 years or both.

(2) Nothing in subsection (1) extends to the opening, detaining or delaying of a postal packet

- (a) which has been returned
 - (i) for want of a true direction, or
 - (ii) because the person to whom the same is directed

is dead, cannot be found, has refused the same, or has refused or neglected to pay the postage thereof; or

- (b) with the consent of the person to whom the same is directed, or without such consent, if the same is suspected by the Postmaster-General to contain any article or thing liable to duty of customs, which postal packet the Postmaster-General or any other officer of the Post Office is by or under this Act authorised to delay, detain, and open; or
- (c) under the authority of a direction in writing signed by the Minister.

Carelessness, negligence, or misconduct in carrying or delivering mail bags, postal packets, etc.

38. Any person employed to convey or deliver a mail bag or a postal packet in course of transmission by post or to perform any other duty in respect of a mail bag or such postal packet who

- (a) without authority whilst so employed, or whilst the mail bag or postal packet is in his custody or possession, leaves it, or suffers any person, not being the person in charge thereof, to ride in the place appointed for the person in charge thereof in or upon any vehicle used for the conveyance thereof or to ride in or upon a vehicle so used and not licensed to carry passengers;
- (b) is guilty of any act or of drunkenness whilst so employed;
- (c) is guilty of carelessness, negligence or other misconduct whereby the safety of the mail bag or postal packet is endangered;
- (d) without authority collects, receives, conveys or delivers a postal packet otherwise than in the ordinary course of post;
- (e) gives any false information of an assault or attempt at robbery upon him; or
- (f) loiters on the road or passage, or wilfully misspends his time so as to retard the progress or delay the arrival of a mail bag or postal packet

in the course of transmission by post, or does not use due care and diligence safely to convey a mail bag or postal packet according to the regulations,

is guilty of an offence and liable on summary conviction to a fine of one hundred dollars.

Prohibition of placing injurious substances in or against Post Office letter box

39. A person who—

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

is guilty of an offence and liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for twelve months or both.

Prohibition of affixing placards, notices, etc. on Post Office letter boxes

40. Any person who, without the authority of the Minister or the Postmaster-General—

- (a) affixes or attempts to affix any placard, advertisement, notice, list, document, board or thing in or on;
- (b) paints or tars; or
- (c) in any way causes damage to or disfigures,

any post office, Post Office letter box, or other property belonging to the Crown and used for the purposes of the Post Office or used by or on behalf of the Postmaster-General, is guilty of an offence and liable on summary conviction to a fine of fifty dollars

Prohibition of imitation of Post Office stamps, envelopes, forms and marks

41. Any person who, without the authority of the Minister or the Postmaster-General—

- (a) makes, issues, or sends by post or otherwise any envelope, wrapper, card, form or paper—
 - (i) in imitation of one issued by or under the authority of the Postmaster-General or of any postal administration, or
 - (ii) having thereon 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 Service ”;
- (b) makes on any envelope, wrapper, card, form or paper for the purpose of being issued or sent by post or otherwise used—
 - (i) any mark in imitation of or similar to or purporting to be any stamp or mark of any post office under the Postmaster-General or under any other postal administration, or
 - (ii) 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 Service ”; or
- (c) issues or sends by post or otherwise any envelope, wrapper, card, form or paper so marked,

is guilty of an offence and liable on summary conviction to a fine of fifty dollars.

Persons having in their possession paper provided for postage covers etc. before being duly stamped

42. Any person who, not being lawfully authorised and without lawful excuse, the proof whereof shall lie on the person accused—

- (a) purchases or receives; or
- (b) takes or has in his custody or possession,

any paper manufactured and provided by or under the direction of the Minister or other person or persons appointed to provide the same by the Minister for the purpose of being used for postage covers, envelopes or stamps and for receiving the impression of the dies, plates or other instruments provided, made or used under the direction of the Minister, before such paper has been duly stamped with such impression and issued for public use, is guilty of an offence and liable on conviction on indictment to imprisonment for three years.

Prohibition of fictitious stamps

43.(1) Any person who

- (a) makes, knowingly utters, deals in, or sells;
- (b) knowingly uses for any postal purposes without lawful excuse, or has in his possession; or
- (c) makes, or, without lawful excuse, has in his possession any die, plate, instrument, or materials for making,

any fictitious stamp, is guilty of an offence and liable on summary conviction to a fine of \$100; and 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.

(2) Any letter, postcard, newspaper or other postal article posted or tendered for conveyance at any post office in Barbados

- (a) for delivery by post within Barbados; or

(b) for transmission by post to any place outside Barbados, having affixed thereto or purporting to be prepaid with any fictitious or previously used postage stamp may be detained by or under the authority of the Postmaster-General and may be

- (i) given up to the sender thereof; or
- (ii) dealt with or disposed of in such a manner as may be authorised by the Minister.

(3) Any letter or postal article posted in any other country or place, having affixed thereto or purporting to be prepaid with any fictitious or previously used stamp, may be detained by or under the authority of the Postmaster-General and may be

- (a) returned to the sender thereof; or
- (b) dealt with or disposed of in such manner as may be authorised by the Minister.

Prohibition of false notice as to reception of letters etc.

44.(1) Any person who, without the authority of the Postmaster-General, places or maintains 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,

is guilty of an offence.

(2) Any person who, having been required by a notice given by the Postmaster-General to

- (a) remove or efface any words, letters or marks mentioned in paragraphs (a) to (c) of subsection (1); or
- (b) remove or effectually close up any letter box belonging to him or under his control which has been a Post Office letter box,

fails or refuses to comply with such requirement is guilty of an offence.

(3) Any person who is guilty of an offence under this section is liable on summary conviction to a fine of \$50, and, if the offence is continued after a conviction is first obtained, to a fine of \$10 for every day during which the offence continues.

Obstruction and molestation of officers of the Post Office

45.(1) Any person who

- (a) wilfully assaults, obstructs or molests, or incites anyone to assault, obstruct or molest, an officer of the Post Office in the execution of his duty; or
- (b) whilst in any post office or within any premises belonging to any post office or used therewith obstructs the course of business of the post office,

is guilty of an offence and liable on summary conviction to a fine of \$10 000 or to imprisonment for 5 years or both.

(2) Any officer of the Post Office may require any person who is guilty of any offence under this section to leave a post office or any other premises referred to in subsection (1), and if the person so required refuses or fails to comply with the requirements, he is guilty of an offence and liable on summary conviction to a further fine of \$50, and may be removed by any officer of the Post Office, and

any member of the Police Force or other constable shall on demand remove or assist in removing any such person.

[2000-27]

Provision against hawking etc. on post office premises

46. Any person who stops or loiters on any post office premises or on any sidewalk, pavement or street adjacent to a post office in such a manner as to impede the free movement of post office vehicles or in any other way to obstruct the business of the post office, is guilty of an offence and liable on summary conviction to a fine of \$50.

Abettors in indictable and summary offences

47.(1) Any person who aids, abets, counsels or procures the commission of an offence punishable under this Act on conviction on indictment is guilty of an offence and, may be indicted, tried and punished as a principal offender.

(2) Any person who aids, abets, counsels or procures the commission of any offence punishable under this Act on summary conviction is guilty of an offence and is liable to the same punishment as the principal offender, and may be proceeded against either with the principal offender, or before or after the conviction of the principal offender, and either in the magisterial district in which the principal offender may be convicted or that in which the offence of aiding, abetting, counselling or procuring may have been committed.

[1992-17]

Contravention of exclusive privilege of Postmaster-General

48.(1) A person who

- (a) conveys otherwise than by post a letter within the exclusive privilege conferred by section 4; 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,

is guilty of an offence and liable on summary conviction to a fine of \$50 for every such letter.

(2) A person who, having already been convicted of an offence under this section, is again convicted thereunder, is on every subsequent conviction liable to a fine of \$100 for every such letter, or, if the letters are less than 10 to a fine of \$1 000.

Prohibition of sending

- 49.(1)** A person who sends or attempts to send a postal packet which
- (a) encloses any explosive substance, dangerous substance, filth, noxious or deleterious substance, any sharp instrument not properly protected, any living creature which is either noxious or likely to injure other postal packets in course of conveyance or any officer of the Post Office, or any article or thing whatsoever which is likely to injure either other postal packets in course of conveyance or any officer of the Post Office; or
 - (b) encloses any indecent or obscene print, painting, photograph, lithograph, engraving, book or card, or any indecent or obscene article, whether similar to the above or not; or
 - (c) has on the packet, or on the cover thereof any words, marks or design of an indecent, obscene, or grossly offensive character,

is guilty of an offence and liable on summary conviction to a fine of \$100 or to imprisonment for 3 months or both.

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

Penalty for disclosing or delaying messages to be sent by telegram

50. Any officer of the Post Office or any person employed at a receiving house authorised pursuant to paragraph (d) of section 3 (1) to receive the messages referred to in that paragraph who—

- (a) discloses or aids or abets in the disclosure of the contents of such message to any person other than the sender of such message or any person employed at a post office or receiving house or employed by the person authorised to send such message by telegram;
- (b) detains or delays or procures or suffers to be detained or delayed, without reasonable excuse, for forwarding of such message to the person authorised to send it by telegram,

is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for three months or both.

Fraudulently removing stamps

51.(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,

is guilty of an offence and liable on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for six months or both.

(2) On the trial of a person charged with an offence under paragraph (c) of subsection (1), 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.

Provisions as to form of proceedings

52.(1) In any indictment or legal proceeding for any offence committed or attempted to be committed, or any malicious, injurious or fraudulent act or thing done in, upon, or with respect to, the Post Office or the Post Office revenue, or any mail bag, postal packet, money order, or any chattel, money or valuable security, sent by post, or in any-wise concerning any property under the management or control of the Postmaster-General, it shall be sufficient to allege—

- (a) the property to belong to the Postmaster-General; and
- (b) any such act or thing to have been done with intent to injure or defraud the Postmaster-General,

without in either case naming the person who is Postmaster-General, and it shall not be necessary to allege or to prove upon the trial or otherwise that the mail bag, postal packet, money order, chattel, money, security, or property was of any value.

(2) In any indictment or legal proceeding against any officer of the Post Office for any offence committed under this Act, it shall be sufficient to allege that the alleged offender was an officer of the Post Office at the time of the committing of the offence, without stating further the nature or particulars of his employment.

Evidence of thing being postal packet

53.(1) On the prosecution of any offence under this Act, whether summarily or on indictment, evidence that any article is in the course of transmission by post, or has been accepted on behalf of the Postmaster-General for transmission by post, shall be sufficient evidence that the article is a postal packet.

(2) Where the consent or order of the Postmaster-General is required to or for any prosecution, an instrument purporting to be executed by him or on his behalf by an officer of the Post Office duly authorised by this Act and stating that the prosecution has been consented to or ordered by the Postmaster-General shall be sufficient proof of that fact, unless the contrary is shown.

Prosecution of offence

54.(1) An information for an offence punishable on summary conviction under this Act may be laid by the Postmaster-General or his agent duly authorised to lay such information.

(2) Notwithstanding any other enactment, an information for an offence punishable on summary conviction under this Act may be laid within one year next after the date on which the offence was committed.

Offences also punishable at common law or under other enactment

55. Where proceedings are taken before any court against a person in respect of an offence under this Act which is also an offence punishable at common law or under some other enactment, the court may direct that, instead of those proceedings being continued, proceedings shall be taken for punishing that person at common law or under that other enactment.

Legal designation of Post Office letter box

56. A certificate purporting to be signed by the Postmaster-General or on his behalf by an officer of the Post Office duly authorised by this Act to the effect that any box or receptacle is or was provided by the permission or under the

authority of the Postmaster-General for the purpose of receiving postal packets or any class of postal packets, shall in any legal proceedings be *prima facie* evidence of the facts stated in the certificate.

PART IX
MISCELLANEOUS

Discontinuation of stamps, dies, etc.

57. The Minister may—
- (a) discontinue the use of any stamp, die or other implement of postage; and
 - (b) on twelve months notice being given by publication in the *Official Gazette* order that any stamps of any issue not less than ten years old shall thereafter be demonetized and shall be not valid for prepayment of postage or other postal charges.

Exemption from stamp duty

58. Every deed, instrument, money order, bill, cheque, receipt or other document, made or executed for the purposes of the Post Office by, to, or with the Government or any officer of the Post Office shall be exempt from any stamp duty imposed by any enactment, whether passed before or after the commencement of this Act, except where that duty is declared by the document, or by some memorandum endorsed thereon, to be payable by some person other than the Postmaster-General.

Regulations

- 59.(1) The Minister may make regulations generally for carrying into effect the provisions of this Act, and, in particular, respecting—
- (a) the guidance and control of the public in the course of its business with the Post Office;

- (b) the disposal of undelivered postal articles;
 - (c) the licensing of postage meter machines used for the prepayment of postage;
 - (d) articles that may, and may not, be transmitted by post;
 - (e) the classification of articles for purposes of postage;
 - (f) the conditions for the registration and insurance of postal articles;
 - (g) the conditions for the issue and payment of money orders at post offices;
 - (h) the manner in which and the conditions under which special services may be performed for the convenience of any person;
 - (i) the conditions for the acceptance of cash on delivery postal articles;
 - (j) the hours during which post offices shall be open for various kinds of public business including the hours during which postal articles may be posted;
 - (k) the conditions under which compensation may be paid for loss or damage to a postal article; and
 - (l) the collection, sorting, transporting and delivery of mail and related matters.
- (2) Regulations made under this section may—
- (a) determine the postage and other charges payable in respect of all classes of postal articles and fix the scale of weights and circumstances relating to such postage and charges;
 - (b) provide for the payment of late postage with respect to the various classes of postal articles;
 - (c) provide for the redirection of postal articles and the transmission by post of articles so redirected;

- (d) provide for the registration of newspapers for transmission by post within Barbados;
 - (e) set out the fees for registration, insurance and express delivery of postal articles in addition to, or instead of, any postage chargeable thereon under this Act;
 - (f) set out the fees chargeable to a person remitting or receiving money through the Post Office by means of money or postal orders;
 - (g) provide for the doing of anything that is desirable for the proper administration of this Act; and
 - (h) prescribe anything that is by this Act authorised or required to be prescribed.
- (3) All regulations made under this section shall be subject to negative resolution.

[1975-59]

Agreements for exchange of correspondence between Barbados and other countries

60.(1) The Crown may enter into an agreement with the Post Office authorities of any other country as to the terms on which the exchange of the correspondence between that other country and Barbados shall take place and may from time to time alter or rescind any such agreement.

(2) A copy of every agreement made under subsection (1) shall be laid before Parliament at its first meeting next after the agreement has been entered into.