ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P60

POST OFFICE ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 7/2010, in force 1 November 2010

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POST OFFICE ACT

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SCHEDULE: States and Territories with which Arrangements for Post Card Replies may be Made.

POST OFFICE ACT

PRELIMINARY

Interpretation

1. (1) In this Act—

"foreign postal packets" means postal packets either posted in Anguilla and sent to a place out of Anguilla, or posted out of Anguilla and sent to a place in Anguilla;

"General Post Office" means the main Post Office in Anguilla, situated in The Valley;

"inland postal packets" means postal packets posted within Anguilla and sent to some place within Anguilla;

"Minister" means the Minister of Government for the time being charged with responsibility for the Post Office and postal matters;

"parcel" means all such postal packets as by the regulations of the United Kingdom Treasury or of the postal administration of Anguilla are defined to be parcels;

"postal packet" means a letter, postcard, newspaper, book-packet, pattern, or sample packet, circular, legal and commercial document, packet of photographs, and every packet or article which is not for the time being prohibited by or in pursuance of the United Kingdom Post Office Acts and this Act from being sent by post;

"reply post card" means a post card of such a character that the person receiving it may, without further payment again transmit it, or a part thereof, through the post.

(2) Every postal packet shall be deemed to be a post letter within the meaning of the Post Office Offences Act;

PART 1

ESTABLISHMENT AND ADMINISTRATION

Postal administration vested in the Governor in Council

2. The postal administration of Anguilla shall hereafter be vested in the Governor in Council, and the Governor in Council may make rules providing for, regulating, and controlling, the issue and payment of money orders and postal orders, the carriage, delivery, registration, and insurance of parcels, inland postal packets, and foreign postal packets, and may fix the rates of postage, commissions or other sums to be charged in respect of such money orders, postal orders, postal packets and parcels, transmitted, conveyed, or delivered for conveyance by post, registered or insured or liable to be charged with rates of postage or other sums, and may regulate the limit of issue, the scale of weights, and the circumstances according to which such commissions, rates, or sums are to be charged, and may remit any such rates or sums, and such indemnity shall be paid in respect of the loss of any postal packet or parcel registered or insured as shall be provided for in the said rules.

Establishment of post offices

3. The Governor in Council may make rules to provide for the establishment, disestablishment, management, control of, and the regulation of business in, the General Post Offices and branch post offices and sub-post offices, for the receipt and transmission of mails, from and to places without and within the limits of Anguilla, and such rules are regulations and have the same effect as if enacted in this Act.

Payment of expenses of postal administration

4. The expenses of the postal administration in Anguilla shall be defrayed out of the Consolidated Fund.

(Act 7/2010, s.26)

Payments to be included in expenses of postal administration

5. The expenses of the postal administration shall include the carriage and transit charges on mails despatched, the collection of postal revenue due to the United Kingdom government post office or any Overseas Territory or foreign post office under postal regulations or conventions for the time being in force, the salaries of postmasters, sub-postmasters, clerks, postmen, and servants, the commissions paid for sales of stamps, the rent of offices for the postal service, the cost of stationery, and all other expenses incidental to the efficient conduct of the postal administration of Anguilla.

Powers under this Act to be in addition to and not in contravention of UK Post Office Acts

6. The powers given to the postal administration of Anguilla by this Act are intended and declared to extend so far only as it is competent for the Legislature under the United Kingdom Post Office Acts now or hereafter to be in force to make laws in respect of post office matters and to be in addition to and not in contravention of the United Kingdom Acts so far as the same extend or shall extend to Anguilla, and the postal administration of Anguilla established by this Act shall in all respects conform to the rules and regulations regarding postal matters made under the provisions of the aforesaid Acts in so far as aforesaid in the same manner and to the same extent as the postal authorities heretofore established in Anguilla have been thereunto accustomed and required by law.

PART 2

CONVENTIONS, ETC.

Governor may enter into postal arrangements or agreements

7. It shall be lawful for the Governor at any time to enter into any convention, arrangements, or agreements with respect to the postal administration of Anguilla when such arrangements or agreements are, in the opinion of the Governor in Council, necessary or advisable, and from time to time with the advice of the Governor in Council to alter, amend, or rescind them.

Governor in Council may make arrangements for reply post cards

8. It shall be lawful for the Governor in Council to come to mutual arrangements, on behalf of Anguilla, with the postal authorities of the United Kingdom and of the States and Territories specified in the Schedule, for the adoption of post cards with paid replies, and, in pursuance of such arrangements, to cause to be issued reply post cards, and to fix a rate of postage for such reply post cards, not exceeding double the rate charged for an ordinary post card.

Regulations for reply post cards

9. It shall be lawful for the Governor in Council to frame and issue such regulations to the post office as shall insure that reply post cards shall be delivered free of charge at their first address, and that the portion for reply, when detached and posted, shall be entitled equally to free transmission from Anguilla to England after the stamp has been obliterated in the usual manner at the General Post Office, and further that free currency shall be given, through the post office of Anguilla, to any reply cards originating in the United Kingdom, or in any of the States and Territories mentioned in the Schedule, the postal authorities of which are willing to grant like privileges to reply cards originating in Anguilla.

PART 3

OFFICERS

Appointment of postmaster

10. It shall be lawful for the Governor on behalf of Her Majesty to appoint a postmaster for Anguilla at such salary as may be approved by the House of Assembly.

Appointment of clerks, etc.

11. It shall be lawful for the Governor to appoint sufficient clerks, sub-postmasters, deputies, agents, postmen, letter carriers, and servants under the postmaster for the better managing of the post office at the places where posts or postal communications shall be established, and, wherever the postmaster is by the post office laws of the United Kingdom or of Anguilla and regulations empowered or required to do any act, all such clerks, sub-postmasters, deputies, agents, and servants, according to the nature and extent of their commissions, or deputation or appointment, shall be held to be so empowered or required unless the contrary is expressed therein.

Postmasters, etc., exempt from service on juries

12. No postmaster nor any officer nor servant of the postal service shall be compelled to serve on any jury or inquest, any law to the contrary notwithstanding.

PART 4

CONDUCT OF BUSINESS

Postage to be paid by stamps

13. The rates of postage, fees for registration, insurance, acknowledgment of delivery of registered packets, acknowledgment of payment of money orders, agreements for delivery of "duty-free" parcels, and for correspondence posted late payable in pursuance of this Act, or the rules, regulations, arrangements, agreements, or conventions made thereunder, shall be paid by stamps, and the Governor in Council shall from time to time provide proper dies and other implements for denoting by adhesive or embossed or impressed stamps or otherwise such rates and sums, and all stamps and dies and other implements for denoting the same, in use in Anguilla and in the possession of any public officer for sale or use, shall from and after 1st November, 1909 be the property and under the control of the postal administration of Anguilla.

Franking machines

14. (1) Notwithstanding anything to the contrary contained in this or in any other Act, the Postmaster may grant licences to use franking machines together with such meter or meters and franking and date stamping die or dies as may be specified therein at any place in Anguilla on such terms and conditions (including the payment of fees) as may be set out in the licence.

(2) The Postmaster may cancel a licence granted under this section if any of the terms or conditions thereof or any regulation made under this Act in relation to postal franking machines is contravened.

(3) Any person using a postal franking machine without having a licence in force in respect thereof is guilty of an offence against this Act and is liable on summary conviction therefor to a fine of $5,000, and, in the case of a continuing offence, to a further fine of $1,000 for each day during which the offence continues.

Postal administration to have exclusive right of conveying letters, with certain exceptions

15. (1) Within the limits and along the coasts of Anguilla the postal administration shall have the exclusive privilege of conveying from one place to another within Anguilla 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 within Anguilla, and all letters going to or coming from parts beyond Anguilla, except in the following cases—

(a) letters sent by a private friend on his way or journey, so that such letters be delivered by such friend to the party to whom they are directed;

(b) letters sent by a messenger on purpose concerning the private 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 of Justice;

(d) letters concerning goods or merchandise, sent by common known carriers, to be delivered with the goods which such letters concern without hire, or reward, or other profits or advantage for receiving or delivering such letters;

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

(2) The following persons are expressly forbidden to carry a letter, or to receive or collect, or deliver a letter, although they shall not receive hire or reward for it—

(a) common known carriers, their servants or agents, except a letter concerning goods in their boats, carts, or wagons;

(b) owners, drivers, or guards of carriages employed in the transmission of letters.

Governor in Council to make rules for the granting of compensation for loss or damage of parcels carried by post

16. (1) The Governor in Council may make rules for the granting of compensation, in such cases and subject to such conditions as he shall think fit, for loss or damage of parcels carried by the post, and may, from time to time, make arrangements for the payment of such compensation as is allowed by such rules in the case of parcels exchanged between the United Kingdom, or any Overseas Territory or other country, and Anguilla, but—

(a) no compensation shall, in any case, be given where the loss or damage arises from causes beyond control; and

(b) no compensation for loss or damage to any such parcel shall be made unless it is authorized by such rules so made as aforesaid.

(2) Any payment made for compensation shall be included in the expenses of the postal administration.

Articles prohibited to be posted

17. (1) No person shall post or cause to be posted, or sent or cause to be sent, or tendered or delivered in order to be sent by post, any postal packet—

(a) containing any explosive or dangerous material or substance;

(b) containing any indecent or obscene prints, paintings, lithographs, photographs, engravings, books, cards or other indecent or obscene articles;

(c) containing opium, morphine, cocaine, heroin or other narcotics; or

(d) having thereon or on the covers thereof any words, marks or designs of an indecent, obscene, libellous or grossly offensive character.

(2) The Governor in Council may make such regulations as he may think fit for preventing the sending or delivery by post of the aforesaid things.

Application of customs enactments to parcels sent by post

18. (1) Subject to any regulations made under this section the provisions of the Acts for the time being in force in Anguilla relating to customs, in this Act referred to as "customs enactments", shall apply to goods contained in foreign parcels in like manner so far as is consistent with the tenor thereof as they apply to any other goods, and persons may be punished for offences against those customs enactments, and goods may be examined, seized, and forfeited, and the officers seizing and examining them shall be protected, and legal proceedings in relation to the matters aforesaid may be taken accordingly under those enactments.

(2) The Governor in Council may, on the recommendation of the principal officer of Her Majesty's customs in Anguilla, from time to time make and when made revoke and vary regulations for the purpose of modifying or excepting the application of any of the customs enactments to foreign and postal packets for the purpose of securing in the case of such postal packets the observance of the customs enactments and for enabling the officers of the postal administration to perform for the purposes of those customs enactments or otherwise all or any of the duties of the importer and

exporter, and for carrying into effect any arrangement with the United Kingdom Treasury or the Government of any Commonwealth country or British possession with reference to foreign parcels, and for punishing any contravention of the customs enactments or of the regulations under this section.

(3) The postal administration shall have the same right of recovering any sums paid in pursuance of the customs enactments or otherwise under the regulations in respect of parcels brought to Anguilla as the postal administration would have if the sum so paid were a rate of postage.

(4) A contravention of the regulations in force under this section shall be deemed to be a contravention of the customs enactments of Anguilla and shall involve accordingly the like punishment of persons guilty thereof and the like forfeiture of goods.

Recovery of unpaid postage

19. All unpaid postage rates and duties imposed by or in virtue of the provisions of this Act or the rules or regulations made thereunder may be sued for and recovered with full costs of suit in the name of the Attorney General before the Magistrate on the complaint of any postmaster or his deputy thereunto lawfully authorized.

Liability of sender and addressee for unpaid postage

20. In all cases in which the postage of any unstamped postal packet shall not have been paid by the sender, it shall be paid by the person to whom the letter is addressed on the delivery thereof to him but, if the letter is refused or the party to whom it is addressed is dead or cannot be found, the writer or sender shall pay the postage.

Provisions for recovery of unpaid postage from sender

21. In all cases in which the postage of any unstamped postal packet shall not have been paid by the sender thereof and the party to whom such letter shall be addressed shall upon receiving the same and paying the postage thereof be desirous to reject such postal packet and to compel the sender thereof to pay such postage, it shall be lawful for any postmaster, upon the application of the party to whom the postal packet shall be addressed and under such regulations as the Governor in Council shall think fit, to charge the postage thereof to the sender of such postal packet and also the additional postage of returning it to him, and in every such case the sender of such postal packet shall pay the postage of sending and also of returning it, but nothing herein contained shall operate to release the party to whom any such postal packet shall be originally addressed from his liability to pay the postage thereof upon the delivery of such letter to him.

Who to be deemed the sender of an unpaid letter

22. In any suit or proceeding for the recovery of any postage payable under or by virtue of the post office laws of Anguilla or of the United Kingdom Parliament the person from whom any postal packet in respect of which postage shall be sought to be recovered shall purport to have come shall be deemed to be the sender thereof; and the onus shall lie upon the party proceeded against to prove that such postal packet did not come from and was not sent by him.

Post office stamp to be evidence of refusal, etc., of letters

23. Upon the trial or hearing of any action or proceeding for the recovery of any postage, the production of any postal packet in respect of which such postage shall be sought to be recovered, having thereon a post office stamp denoting that such letter has been refused or rejected or that the

party to whom the same is addressed is dead or could not be found, shall be *prima facie* evidence of the refusal or rejection of such letter or that such person was dead or could not be found according to the import and meaning of the post office stamp thereupon.

Letters of soldiers and sailors exempt from inland postage

24. No inland postage shall be charged or payable on any letters sent to or received by any private soldier or common seaman on his own private concerns who shall be actually employed in Her Majesty's Service.

Governor in Council to decide questions as to postal packets

25. If any question arises as to whether any postal packet is a letter, post card, newspaper, supplement, book-packet, circular, or other description of postal packet or parcel within the meaning of this Act or any rule or regulation made under this Act, the decision thereon of the Governor in Council shall be final.

PART 5

MISCELLANEOUS

Police to assist in postal service

26. It shall be incumbent upon all police officers to assist in the postal service of Anguilla in such manner as the Governor in Council shall from time to time direct, and, within the limits of such directions, such officers shall be deemed to be officers and servants of the postal service.

Attorney General may compound actions, etc., for penalties

27. The Attorney General may compromise and compound any action, suit, bill, plaint, or information which shall at any time be commenced in his name by the authority of the postal administration or any officer thereof against any person for recovering penalties incurred under this or any other post office Act on such terms and conditions as the Attorney General after consultation with the Minister shall think proper with full power to him or any officer of the Crown by him thereunto authorised to accept the penalties so incurred or alleged to be incurred or any part thereof without action, suit, or information brought or commenced for the recovery thereof.

Exemption from stamp duty

28. Every deed, instrument, money order or postal order, bill, cheque, receipt or other document made or executed for the purpose of the post office by, to or with, Her Majesty or any officer of the post office, shall be exempt from any stamp duty imposed by any Act, past or future, 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, and except so far as any future Act specifically charges the duty.

Regulations, etc., to be laid before House of Assembly

29. A copy of all rules and regulations and of every convention, arrangement or agreement made under this Act shall be laid before the House of Assembly at its first meeting next after such rules and regulations shall have been made or such convention, arrangement, or agreement shall have been entered into.

Governor in Council may add to or delete names from Schedule

30. The Governor in Council may from time to time by regulation add the name of any country to or delete the name of any country from the Schedule.

Citation

31. This Act may be cited as the Post Office Act, Revised Statutes of Anguilla, Chapter P60.

SCHEDULE

(Sections 8 and 19)

STATES AND TERRITORIES WITH WHICH ARRANGEMENTS FOR POST CARD REPLIES MAY BE MADE

Antigua and Barbuda
Australia
The Bahamas
Barbados
Belize
Bermuda
Botswana
British Virgin Islands
Canada
Cayman Islands
Cook Islands
Cyprus
Dominica
Falkland Islands
Fiji
Gambia
Ghana
Gibraltar
Grenada
Guyana
Hong Kong
India
Jamaica
Kenya
Lacadive Islands
Lesotho
Malawi
Malaysia
Maldive Islands
Malta
Mauritius
Montserrat
New Zealand
Nigeria
Pakistan
Seychelles
Sierra Leone
Singapore
Sri Lanka
St. Helena
St. Lucia
St. Vincent
Swaziland
Tanzania
Trinidad and Tobago
Turks and Caicos Islands
Uganda
Zambia