

ANGUILLA

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CHAPTER P65

POST OFFICE OFFENCES ACT

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POST OFFICE OFFENCES ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Saving clause as to liability
3. Evasion of postage
4. Officer of the Post Office opening or delaying post letters—an offence
5. Officer of the Post Office stealing, embezzling, secreting or destroying post letters—an offence
6. Stealing from, or out of, post letter—an offence
7. Stealing post letter bag or post letter or stopping post messenger—an offence
8. Receivers of stolen goods, etc.
9. Fraudulent or wilful secretion or detaining of post letter—an offence
10. Criminal diversion of letters from addressee
11. Officer of Post Office stealing, secreting, etc., printed matter sent by post—an offence
12. Inciting to commit offences under this Act—an offence
13. Property to be laid in Her Majesty
14. Prohibition of imitation of Post Office stamps, envelopes, forms and marks
15. Prohibition of fictitious stamps
16. Prohibition of false notice as to reception of letters
17. Forgery and improper disclosure of telegrams
18. Citation

POST OFFICE OFFENCES ACT

Interpretation

1. In this Act—

"post letter" means any letter or packet transmitted by the post under the authority of the Postmaster of Anguilla, and a letter shall be deemed a post letter from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed; and the delivery to a letter-carrier, or other person authorised to receive letters for the post, shall be a delivery to the Post Office, and a delivery at the house or office of the person to whom the letter is addressed, or to him, or to his servant or agent, or other person considered to be authorised to receive the letter according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed;

"post letter bag" includes a mail bag or box, or packet, or parcel, or other envelope or covering in which post letters are conveyed, whether it does, or does not, contain post letters.

Saving clause as to liability

2. (1) This Act shall not exempt any person from any proceeding by indictment, or otherwise, for an offence which is punishable at common law, or under any Act other than this Act, so that no person be tried or punished twice for the same offence.

(2) When 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 Act other than this Act, the court may direct that, instead of such proceedings being continued, proceedings shall be taken for punishing such person at common law or under some Act other than this Act.

Evasion of postage

3. Every person offending in any of the several cases in this section mentioned shall forfeit and pay to Her Majesty the Queen, Her Heirs and Successors, the sum of $3,840, to be recovered with full costs of suit and all expenses attending the same—

(a) any person shall fraudulently get off or remove, or cause or procure to be gotten off or removed, from any letter or cover, or any paper or other substance or material, the stamp or impression of any die, plate, or other instrument lawfully provided, made, or used in any post office in Anguilla, with intent to use, join, fix, or place such stamp or impression for, with, or upon any other letter, cover, paper, or other substance or material;

(b) any person shall fraudulently use, join, fix, or place for, with, or upon any letter or cover, or any paper or other substance or material, any such stamp or impression, as aforesaid, which shall have been gotten off or removed from any other letter, cover, paper, or other substance or material;

(c) any person shall fraudulently erase, cut, scrape, discharge, or get out of or from, or shall cause or procure to be so erased, cut, scraped, discharged, or got out of or from, any letter or cover, or any other substance or material, any name, date, or other matter or thing thereon written, printed, or expressed, with intent to use any stamp or mark

then expressed or being upon any such letter or cover, paper, or other substance or material, or that the same may be used for the purpose of defrauding the revenue; or

(d) any person shall make, do, or practise, or be concerned in, any other fraudulent act, contrivance, or device whatever, not specially provided for by this Act, with intent or design to defraud the revenue.

Officer of the Post Office opening or delaying post letters—an offence

4. Every person employed in the execution of any Act in force in Anguilla, relating to the regulation and management of the Post Office, who shall, contrary to his duty, open, or procure or suffer to be opened, a post letter, or post letter bag, or shall wilfully detain or delay, or procure or suffer to be detained or delayed, a post letter, is guilty of an offence and is liable on conviction to a fine of $3,000 or to imprisonment for 1 year or to both, but nothing herein contained shall extend to the opening or detaining or delaying of a post letter returned for a want of true direction, or of a post letter returned by reason that the person to whom the post letter shall be directed is dead or cannot be found, or shall have refused the post letter or shall have refused or neglected to pay the postage thereof, or of a post letter returned by reason of its not having thereon, at the time of posting affixed thereto, a stamp or stamps to the value or amount of the proper postage thereof, or to the opening or detaining or delaying of a post letter in obedience to an express warrant in writing under the hand of the Governor.

Officer of the Post Office stealing, embezzling, secreting or destroying post letters—an offence

5. Every person employed in the execution of any such Act as aforesaid who shall steal, or shall, for any purpose whatever, embezzle, secrete, or destroy a post letter, is guilty of an offence, and is liable to be imprisoned for a term of 2 years; and, if any post letter so stolen or embezzled, secreted or destroyed, shall contain therein any chattel or money whatsoever, or any valuable security, every such offender is liable on conviction to be imprisoned for a term of 4 years.

Stealing from, or out of, post letter—an offence

6. Every person who shall steal from or out of a post letter any chattel, or money, or valuable security, is guilty of an offence, and is liable to be imprisoned for a term of 4 years.

Stealing post letter bag or post letter or stopping post messenger—an offence

7. Every person who shall steal a post letter bag, or a post letter from a post letter bag, or shall steal a post letter from a post office, or from an officer of the Post Office, or shall stop any person having the custody of any post letter bag, with intent to rob or search the same, is guilty of an offence and is liable to be imprisoned for a term of 4 years.

Receivers of stolen goods, etc.

8. With regard to receivers of any property sent by the post and stolen therefrom, every person who shall receive any post letter or post letter bag, or any chattel or money or valuable security, the stealing, taking, or embezzling or secreting whereof shall amount to an offence under any such Act as aforesaid, knowing the same to have been stolen, taken, embezzled, or secreted, and to have been sent, or to have been intended to be sent, by the post, is guilty of an offence, and may be indicted and convicted either as an accessory after the fact or for a substantive offence, and, in the latter case, whether the principal offender shall, or shall not, have been previously convicted, or shall, or shall not, be amenable to justice; and every such receiver, however convicted, is liable to be imprisoned for a term of 4 years.

Fraudulent or wilful secretion or detaining of post letter—an offence

9. Any person who shall fraudulently retain, or wilfully secrete, keep, or detain, or, being required to deliver up by any officer appointed under any such Act as aforesaid, shall neglect or refuse to deliver up a post letter which ought to have been delivered to any person, or a post letter bag, or post letter which shall have been sent, whether the same shall have been found by the person secreting, keeping, or detaining, or neglecting or refusing to deliver up the same, or by any other person, is guilty of an offence, and is liable on conviction to be imprisoned for a term of 3 years.

Criminal diversion of letters from addressee

10. (1) If any person not employed in the execution of any such Act as aforesaid wilfully and maliciously, with intent to injure any other person, either opens or causes to be opened any post letter which ought to have been delivered to that other person or does any act or thing whereby the due delivery of the letter to that other person is prevented or impeded, he is liable on summary conviction to a fine of $9,600 or to imprisonment for a term of 6 months.

(2) Nothing in this section shall apply to a person who does any act to which this section applies where he is a parent or in the position of a parent or guardian of the person to whom the letter is addressed.

Officer of Post Office stealing, secreting, etc., printed matter sent by post—an offence

11. Every person employed in the execution of any such Act as aforesaid who shall steal, or shall, for any purpose, embezzle, secrete, or destroy, or shall wilfully detain or delay in course of conveyance or delivery thereof by the post, any printed votes or proceedings in Parliament, or any printed newspaper, or any other printed paper whatever, sent by the post without covers or with covers open at the sides, is guilty of an offence and is liable on conviction to a fine of $3,000 or to imprisonment for 1 year or to both.

Inciting to commit offences under this Act—an offence

12. Every person who shall solicit, or endeavour to procure, any other person to commit an offence punishable under this Act, or any such Acts as aforesaid, is guilty of an offence, and is liable to be imprisoned for a term of 2 years.

Property to be laid in Her Majesty

13. In every case where an offence shall be committed in respect of a post letter bag, or of a post letter, or any chattel or money or valuable security sent by the post, it shall be lawful to lay, in the indictment presented against the offender, the property of the post letter bag, or of the post letter, or any chattel or money or valuable security sent by the post, in Her Majesty; and it shall not be necessary in the indictment to allege, or to prove upon the trial or otherwise, that the post letter bag, or any such post letter, or valuable security, was of any value, and, in any indictment to be preferred against any person, employed under any such Act as aforesaid, for any offence committed under this Act or any such Act as aforesaid, it shall be lawful to state and allege that such offender was employed in a post office in Anguilla at the time of the committing of such offence, without stating the nature or particulars of his employment.

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

14. (1) No person shall, without due authority—

(a) make, issue, or send by post or otherwise any envelope, wrapper, card, form, or paper in imitation of one issued by, or under the authority of, the Postmaster, or any foreign postal authority, or the postal authority of Anguilla or of any other Colony, or having thereon any words, letters, or marks which signify or imply, or may reasonably lead the recipient to believe, that a post letter bearing the same is sent on Her Majesty's Service;

(b) make on any envelope, wrapper, card, form, or paper, for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of, or similar to, or purporting to be, any mark of any post office under the Postmaster, or under any foreign postal authority, or under any postal authority of any Colony, or any words, letters, or marks which signify or imply or may reasonably lead the recipient thereof to believe, that a post letter bearing the same is sent on Her Majesty's Service; or

(c) issue, or send by post or otherwise, any envelope, wrapper, card, form, or paper so marked.

(2) Any person who acts in contravention of this section is liable on summary conviction to a fine of $384.

Prohibition of fictitious stamps

15. (1) No person shall—

(a) make, knowingly utter, deal in, or sell any fictitious stamp, or knowingly use, for any postal purpose, any fictitious stamp;

(b) have in his possession, unless he shows a lawful excuse, any fictitious stamp; or

(c) make or, unless he shows a lawful excuse, have in his possession any die, plate, instrument, or materials for making any fictitious stamp.

(2) Any person who acts in contravention of this section is liable on summary conviction on a prosecution by order of the Governor to a fine of $3,840.

(3) 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.

(4) For the purposes of this section, "fictitious stamp" means any facsimile, or imitation, or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage, including any stamp for denoting a rate of postage of the United Kingdom, or of any foreign country, or of any of Her Majesty's Colonies.

Prohibition of false notice as to reception of letters

16. (1) No person shall, without authority from the Postmaster, place or maintain in or on any house, wall, door, window, box, post, pillar or other place belonging to him or under his control, any of the words, letters, or marks following, that is to say—

(a) the words "Post Office" or "Postal Telegraph Office";

(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;

(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;

and a person, when required by a notice given by the Postmaster to remove or efface any such words, letters, or marks, as aforesaid, or to remove or effectually close up any letter box belonging to him, or under his control, which has been a Post Office letter box, shall comply with such request.

(2) Any person who acts in contravention of this section is liable on summary conviction to a fine of $384, and, if the offence is continued after a previous conviction, to a fine of $48 for every day during which the offence so continues.

Forgery and improper disclosure of telegrams

17. (1) Every person who forges or wilfully and without due authority, alters a telegram, or utters a telegram, knowing the same to be forged or, wilfully and without due authority, alters, or who transmits by telegraph as a telegram, or utters as a telegram, any message or communication, which he knows not to be a telegram, is, whether he had, or had not, an intent to defraud, guilty of an offence and is liable to a fine of $3,000 or to imprisonment for 2 years.

(2) If any person, being in the employment of a telegraph company as defined by this section, improperly divulges to any person the purport of any telegram, such person is guilty of an offence and is liable to a fine of $5,000 or to imprisonment for 2 years.

(3) For the purposes of this section—

"telegram" means a written or printed message or communication sent to, or delivered at, a post office, or the office of a telegraph company, for transmission by telegraph, or delivered by the Post Office, or a telegraph company, as a message or communication transmitted by telegraph;

"telegraph" means a wire or wires used for the purpose of telegraphic communication, with any casing, coating, tube, or pipe enclosing the same, and any apparatus connected therewith for the purpose of telegraphic communication, and, in addition to the meaning aforesaid, means and includes any apparatus for transmitting messages or other communications by means of electric signals;

"telegraph company" means any company, corporation or persons carrying on the business of sending telegrams for the public, under whatever authority, or in whatever manner, such company, corporation, or persons may act or be constituted.

Citation

18. This Act may be cited as the Post Office Offences Act, Revised Statutes of Anguilla, Chapter P65.

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