



Jersey

## **POST OFFICE (JERSEY) LAW 1969**

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Jersey

## POST OFFICE (JERSEY) LAW 1969

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Jersey

## POST OFFICE (JERSEY) LAW 1969<sup>1</sup>

A LAW to provide for the vesting in the States of the exclusive privilege in respect of the conveyance etc. of letters within Jersey, to make better provisions for the administration of postal services within Jersey, to provide for the performance by the Minister of services on behalf of certain bodies and for purposes connected therewith<sup>2</sup>

Commencement [[see endnotes](#)]

### PART 1 GENERAL

#### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“cash on delivery service” means a service whereby the Minister or any foreign postal administration collects or secures the collection of a sum of money on the delivery of anything consigned for conveyance by post and remits it to the sender thereof;

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

“enactment” includes any enactment of the Parliament of the United Kingdom and any instrument made under any such enactment;

“foreign”, in relation to any postal packet, means posted in Jersey and addressed to any country or place outside Jersey, posted in a country or place outside Jersey and addressed to a place within Jersey, or in transit through Jersey to a place outside Jersey;

“foreign postal administration” means the postal administration of any country or postal area outside Jersey;

“inward bound”, in relation to any ship or aircraft, means bound for any port or place within Jersey from a port or place outside Jersey;

“mail” means postal packets collected for conveyance by the Minister in the exercise of his or her functions under this Law whether in mail bags or otherwise; and includes every mail bag and every conveyance by which postal packets are carried, whether it be a ship, aircraft, vehicle or other conveyance, and also a person employed in conveying or delivering postal packets;

“mail bag” includes any form of container or covering in which postal packets in the course of transmission by post are conveyed whether or not it contains any such postal packets;

“mail ship” means any ship or aeroplane employed for the conveyance of mails, pursuant to a contract or arrangement made by the States under Article 13 or by the government of the United Kingdom or the government of any foreign country or territory or by any foreign postal administration;

“master”, in relation to a ship, includes every person (except a pilot) having command or charge of the ship;

“Minister” means the Minister for Economic Development;

“officer of the Impôts” means an officer within the meaning of the Customs and Excise (Jersey) Law 1999;<sup>3</sup>

“outward bound”, in relation to any ship or aircraft, means bound from any port or place within Jersey to a port or place outside Jersey;

“parcel” means any postal packet defined as a parcel in any Order made under this Law;

“postage” means the duty chargeable for the transmission by post of any postal packet;

“postage stamp” means any stamp issued by the Minister for denoting postage or other fees or sums payable in respect of postal packets under this Law and includes adhesive stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, card, wrapper or other article;

“postal officer” means an officer or servant appointed under Article 5;

“postal packet” means a letter, postcard, reply postcard, newspaper, printed packet, sample packet, or parcel, and every packet or article transmissible by post, and includes a telegram;

“postcard” means any card admissible as a postcard in accordance with the provisions of an Order made under this Law and includes a reply postcard;

“post office” includes any house, building, room, vehicle or place within Jersey used for postal purposes and any post office letter box;

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

“prescribed” means prescribed by Order;



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“public service vehicle” has the meaning assigned thereto under Article 1 of the Motor Traffic (Jersey) Law 1935.<sup>4</sup>

- (2) For the purposes of this Law –
  - (a) a postal packet shall be deemed to be in course of transmission by post from the time of its being posted to the time of its being delivered to the addressee;
  - (b) a postal packet shall be deemed to have been posted when, for the purpose of being conveyed or delivered by post, it has been put into a post office letter box, or delivered at a post office or accepted for the purpose of being conveyed by post by a postal officer in the course of the postal officer’s duty;
  - (c) the delivery of a postal packet at the premises to which it is addressed or redirected (except they be a post office from which it is to be collected) or to the addressee’s servant or agent or to some other person considered to be authorized to receive the packet shall be deemed to be a delivery to the addressee.
- (3) References in this Law to any other enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended and as extended or applied by or under any other enactment, and as including references to any enactment repealing and re-enacting that enactment with or without further amendment.

## **2 Exclusive privilege of the States with respect to the conveyance etc. of letters**

- (1) Subject to the provisions of this Article, the States shall within Jersey have the exclusive privilege of conveying from one place to another all letters and of performing all the incidental services of receiving, collecting, despatching and delivering all such letters except in the following cases –
  - (a) the conveyance and delivery of a letter personally by the sender thereof;
  - (b) the sending, conveyance and delivery of a letter by means of a private friend who delivers that letter to the addressee;
  - (c) the sending, conveyance and delivery of a letter concerning the private affairs of the sender or addressee thereof by means of a messenger sent for the purpose by the sender of the letter;
  - (d) the sending, conveyance and delivery otherwise than by post of any documents issuing out of any court of justice within Jersey or of any return or answers thereto;
  - (e) the sending and conveyance of letters from merchants who are owners of a merchant ship or commercial aircraft, or of goods carried in such a ship or aircraft, by means of that ship or aircraft and the delivery thereof to the addressee by any person employed for the purpose by those merchants so, however, that no payment or reward, profit or advantage whatsoever is given or received for the conveyance or delivery of those letters;

- (f) the sending, conveyance and delivery of letters by hand by means of a common carrier, being letters concerning and for delivery with goods carried by the carrier, so however, that no payment or reward, profit or advantage whatsoever is given or received for the conveyance and delivery of those letters:

Provided that nothing in this paragraph shall authorize any person to make a collection of letters for the purpose of their being sent or conveyed otherwise than by post.

- (2) The following persons are expressly forbidden to carry a letter or to receive, collect or deliver a letter, even if they receive no payment for doing so, namely –
- (a) except for such letters as are mentioned in paragraph (1)(e), owners of, or any person on board, any ship or aircraft on a voyage or flight between, to or from places within Jersey;
  - (b) except for such letters as are mentioned in paragraph (1)(f), common carriers by land or their servants or agents;
  - (c) owners, drivers or conductors of public service vehicles:

Provided that this paragraph shall not make unlawful the receipt, carriage or delivery of letters by any person which would otherwise be lawful by virtue of sub-paragraph (a) or, if that person is a passenger, paragraph (1)(b) or (c).

- (3) Notwithstanding anything in paragraph (1) the Minister may by Order either generally, or in the case of any particular person, authorize –
- (a) letters to be sent, conveyed or delivered otherwise than by post;
  - (b) the collection of letters otherwise than by a postal officer whether to be despatched by post or otherwise,

and may specify the terms, conditions and prohibitions on or subject to which the authorization is given.

- (4) Save as permitted by or under this Law any person who –
- (a) sends or causes to be sent, or conveys or performs any service incidental to conveying, otherwise than by post; or
  - (b) collects for the purpose of conveying or despatching, whether by post or otherwise,

any letters within the exclusive privilege of the States shall be guilty of an offence under this Law and shall be liable to a fine not exceeding £20 in respect of every letter to which the breach relates.

- (5) In any proceedings for the recovery of a fine under paragraph (4), it shall lie on the person proceeded against to prove that the act in respect of which the fine was alleged to have been incurred was done lawfully.
- (6) For the purposes of this Article the expression “letter” includes a packet, so, however, as not to include a newspaper or a parcel unless a communication not forming part of a newspaper is contained therein.

**3 Exclusion of liability**

- (1) Except as otherwise provided by this Law, no proceedings in tort shall lie against the Minister in respect of any loss or damage suffered by any person by reason of anything done or omitted to be done in relation to anything in the post or omission to carry out arrangements for the collection of anything to be conveyed by post.
- (2) No postal officer or sub-postmaster shall be subject, except at the suit of the Minister, to any civil liability for any loss or damage in the case of which liability of the Minister is excluded by paragraph (1).

**PART 2****ADMINISTRATION****4 Committee for Postal Administration<sup>5</sup>****5 Officers and servants of the Minister**

There shall be appointed a sufficient number of officers and servants to assist the Minister in the exercise of his or her functions under this Law and generally for the purpose of carrying this Law into effect.

**6 General powers of the Minister and of the States<sup>6</sup>**

- (1) In addition to the powers specifically conferred and the duties imposed on the Minister by this Law, the Minister may, from time to time –
  - (a) make provision for such post offices within Jersey as the Minister thinks expedient;
  - (b) collect, receive, forward, convey and deliver in such manner as the Minister thinks expedient all postal packets transmitted within, to or from Jersey;
  - (c) perform services for the States or for any Minister or for the government of the United Kingdom or for the government of any country or territory outside Jersey or for any foreign postal administration on such terms and conditions as the Minister may think fit;
  - (d) perform such services on behalf of the bodies set out in the Schedule to this Law as the Minister thinks fit;
  - (e) enter into contracts with any person for or in respect of the carriage of postal packets by such means and on such terms and conditions as the Minister may think fit;
  - (f) generally do all other things which, in the Minister's opinion, are necessary or desirable to facilitate the proper administration of the postal service in Jersey.

- (2) The States may by Regulations add to or delete from the list of bodies set out in the Schedule to this Law.<sup>7</sup>

## **7 Power to acquire land**

- (1) Where it appears to the States that any land should be acquired by the public of Jersey for postal purposes, it shall be lawful for the States to acquire such land by compulsory purchase on behalf of the public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961,<sup>8</sup> and, in relation to the acquisition of any land as aforesaid, the Minister shall be the acquiring authority within the meaning of the said Law.
- (2) In assessing the amount of compensation payable to any person in relation to a compulsory purchase under this Article, the Board of Arbitrators, in addition to acting in accordance with the Rules set out in Article 10 of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961,<sup>9</sup> shall have regard to the following further Rule, namely, that where the Board is satisfied that the value of the land to be acquired has been or will be enhanced by reason of the expenditure of public monies the Board shall set off against the value any increase thereof which is attributable to the expenditure aforesaid.

## **PART 3**

### **TRANSMISSION OF POSTAL PACKETS**

## **8 Postage to be charged on postal packets**

- (1) The Minister shall prescribe –
- (a) the postage and other sums required to be paid on all postal packets which are conveyed, or delivered for conveyance, by post under the authority of the States;
  - (b) the manner in which such postage and other sums shall be paid.
- (2) Orders made under this Article may also –
- (a) fix the rates of postage and such other sums, if any, to be charged in respect of postal packets –
    - (i) sent by post from one place to another within Jersey,
    - (ii) posted within Jersey for delivery outside Jersey;
  - (b) specify the scale of size and weights according or subject to which those rates are to be charged;
  - (c) empower the Minister –
    - (i) to remit in whole or in part any postage or other sums chargeable in such cases or classes of case as the Minister may determine,
    - (ii) to make arrangements for the collection, conveyance and delivery free of postage of any letters emanating from the States, or any Minister or Department thereof for delivery to

any place on such conditions and the payment of such annual sum as the Minister may determine.

- (3) In prescribing or otherwise determining postage and other sums payable under this Law, the Minister may take into consideration such matters as he or she thinks fit, and such postage and other sums may be prescribed or otherwise determined so as to raise income in excess of the amount necessary to cover the expenses of the Minister in discharging his or her functions under this Law.<sup>10</sup>
- (4) All postage and other sums payable under this Law may be recovered as a debt due to, and shall be credited to, the Annual Income of the States.

## **9 General provisions relating to postage etc.**

- (1) Subject to the provisions of this Law relating to postage stamps, the Minister may from time to time cause to be made and sold postcards, envelopes, lettercards, wrappers and other postal stationery.
- (2) The Minister may make repayments or give other stamps in return for any spoiled, unused or misused stamps either of a value equal to the face value thereof or, if the Minister thinks fit, of any less value.
- (3) For the purpose of cancelling stamps used for the payment of postage on postal packets, the Minister may cause to be used such words or devices as he or she thinks fit and, where the words or devices so used constitute an advertisement, may charge the sponsor of the advertisement for the use thereof.

## **10 Liability for payment of postage etc.**

- (1) Where a postal packet, in respect of which any postage or other sum is chargeable has not been prepaid at the appropriate rate prescribed under Article 8, is delivered to the addressee and he or she has accepted delivery, the addressee shall be liable to pay the deficiency and a surcharge of such an amount as the Minister shall prescribe.<sup>11</sup>
- (2) Where a postal packet, in respect of which any postage or other sum chargeable has not been prepaid at the appropriate rate prescribed under Article 8, has failed in delivery or has been refused or rejected by the addressee, the sender shall be liable to pay the deficiency, the prescribed surcharge and also any additional charge incurred in returning the article to the sender.<sup>12</sup>
- (3) The official mark or stamp on a postal packet denoting that any postage or other sum is due in respect thereof to the States, or the government or postal administration of any country or territory outside Jersey, shall be sufficient proof that the sum denoted as aforesaid is due.
- (4) In any proceedings for the recovery of postage or other sums due in respect of postal packets, the production of the packet in respect of which any such postage or sum is sought to be recovered having thereon an official mark, stamp, or endorsement indicating that the packet has been refused or rejected or is unclaimed or cannot for any other reason be

delivered, shall be sufficient proof of the fact indicated unless the contrary is shown.

- (5) In any such proceedings as aforesaid, a certificate signed for or on behalf of the Minister that any mark, stamp or endorsement is such a mark, stamp or endorsement as is mentioned in the preceding paragraphs of this Article shall be sufficient proof thereof unless the contrary is shown.
- (6) In any such proceedings as aforesaid, the person from whom any postal packet in respect of which any postage or other sum is sought to be recovered purports to have come shall, until the contrary is proved, be deemed to be the sender of the packet.

## **11 Registration of newspapers**

- (1) The proprietor or printer of any publication such as is specified in this Article may register it in a register of newspapers kept for that purpose by the Minister in such form and with such particulars as the Minister may direct:

Provided that the Minister may refuse to permit the registration under this Article of any publication printed and published outside Jersey unless arrangements have been made to the satisfaction of the Minister for maintaining a responsible representative of the publication in Jersey.

- (2) Any such registration shall be in respect of a period of 12 months commencing on such date in each year as the Minister may direct, and there shall be payable on each registration such fee as may be prescribed.
- (3) A publication for the time being on the said register –
  - (a) shall be a registered newspaper within the meaning of this Law and of any Order made thereunder; and
  - (b) shall be a newspaper within the meaning of any arrangement with the government of any country or territory outside Jersey or any foreign postal administration for securing advantages for newspapers sent by post.
- (4) The Minister may from time to time revise the register kept under this Article and remove any publication not registrable by virtue thereof.
- (5) The decision of the Minister on the admission to or removal from the said register of a publication shall be final.
- (6) A publication shall be registrable under this Article as a newspaper if –
  - (a) it consists wholly of political or other news, or of articles relating thereto or to other current topics, or mainly of such news or articles and partly of advertisements;
  - (b) it is printed and published in the British Islands, or some other part of Her Majesty's dominions, or in a British protectorate or protected state, a mandated territory or a trust territory, or in India or the Republic of Ireland;
  - (c) it is published in numbers at intervals of not more than 7 days; and

- 
- (d) it has the full title and the date of publication printed at the top of the first page, and the whole or part of the title and the date of publication printed at the top of every subsequent page.
  - (7) A publication which is not registrable by virtue of paragraph (6) by reason only of the proportion of advertisements to other matter therein shall nevertheless be registrable if it was stamped as a newspaper in the United Kingdom before 15 June 1855.
  - (8) A publication shall be deemed to be a supplement to, and be transmissible by post as, a registered newspaper if –
    - (a) it is published with a registered newspaper;
    - (b) it consists wholly or mainly of matter like that of the newspaper, or of advertisements, printed on paper, or wholly or partly of pictorial matter illustrative of articles in the newspaper;
    - (c) the whole or part of the title of the newspaper is printed at the top of every page or at the top of every sheet or side on which any such pictorial matter appears; and
    - (d) all sheets of the publication are put together in some one part of the newspaper, whether gummed or stitched up with the newspaper or not:

Provided that the Minister may by Order modify the provisions of this paragraph so far as they apply to a publication which consists wholly of pictorial matter illustrative of articles in the newspaper.

## **12 Power to make Orders relating to supplementary services etc. in connection with the transit of postal packets**

The Minister may by Order make provision for –

- (a) the time and mode of posting and delivery of postal packets and of the payment of postage and other sums payable in respect thereof under this Law;
- (b) the registration of, giving of receipts for, or giving or obtaining of certificates of posting or delivery of, any postal packet and any sums to be paid in addition to postage for that registration, receipt or certificate;
- (c) the redirection of postal packets, and the transmission by post of postal packets so redirected, either free of charge or subject to such postage or other charges as may be specified in the Order;
- (d) the operation of a cash on delivery service (including the recovery of sums payable in respect thereof), in respect of –
  - (i) inland postal packets, and
  - (ii) postal packets transmitted between Jersey and any other country or place the postal administration of which has made an arrangement with the States for the purposes of this sub-paragraph,

subject to such terms, conditions and charges as may be specified in the Order;

- (e) the payment of compensation for the loss of or damage to postal packets in course of transmission by post and the conditions and limitations subject to which such compensation shall be paid;
- (f) special conditions to apply in respect of the transmission by post of postal packets consisting of books or papers (including letters to or from blind persons) impressed or otherwise prepared for the use of the blind, or of paper posted to any person for the purpose of being so impressed or prepared, or of any article specially adapted for the use of the blind;
- (g) the disposal of postal packets which for any reason cannot be delivered;
- (h) the form, dimensions and maximum weight of postal packets;
- (i) the extent to which written matter may be permitted on the covers of postal packets and the character and position of that written matter.

### **13 Postal arrangements with other countries**

The States may by Act make such provisions as seem to them to be necessary for the purpose of giving effect to any arrangement with the government of the United Kingdom, or the government of any country or territory outside Jersey or any foreign postal administration with respect to the conveyance by post of any postal packets between Jersey and places outside Jersey, and may make provision as to the charges for the transit of postal packets, the form, dimensions and maximum weight of postal packets, the scale of weights to be adopted, and the accounting for and paying over to any other postal administration of any money received by the Minister.

### **14 Prohibition on sending by post of certain articles**

- (1) Any person who posts or causes to be posted any postal packet which –
  - (a) contains any filthy, noxious or deleterious substance, or any creature or thing which is noxious, or any creature, article or thing whatsoever which is likely to injure either other postal packets in course of conveyance by post or any postal officer;
  - (b) contains anything which is indecent or obscene;
  - (c) bears thereon or on its cover, any word, mark, design or representation of an indecent, obscene, libellous or grossly offensive character;
  - (d) contains any proposal, circular or ticket relating to a lottery other than a public lottery promoted and conducted under the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975;<sup>13</sup>
  - (e) contains any sharp article, not properly protected, or any fluid or other injurious thing not properly packed; or
  - (f) contains any explosive, dangerous or destructive substance or fluid,shall be guilty of an offence.
- (2) The transmission of any postal packet which is posted or sent by post in contravention of this Article may be refused and the packet may, if necessary, be detained and opened in the post office and returned to the sender thereof or forwarded to its destination, subject in either case to



such additional postage or other charges as may be specified in any Order made under Article 10, or may be destroyed or otherwise disposed of as the Minister may direct.

- (3) The detention in the post office of any postal packet on the grounds of a contravention of this Article 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.

## **PART 4**

### **POSTAGE STAMPS**

#### **15 Provision of postage stamps**

- (1) Subject to the provisions of this Part, the Minister shall from time to time cause postage stamps to be provided of such kinds and denoting such values as may be deemed necessary for the purposes of this Law and may by Order make Rules for the custody, supply, sale and use of postage stamps.
- (2) The Minister may by notice published in the Jersey Gazette direct that any postage stamps in use in Jersey at the time of such notice shall be no longer valid for the prepayment of postage and, from and after any day to be stated in the notice, any postal packet stamped with postage stamps so invalidated shall be deemed to be not duly stamped for the purposes of this Law and of any Order made thereunder:

Provided that any person having in his or her possession any postage stamps invalidated by the Minister may, at any time within 6 months after the date stated in the notice, surrender the same to a postal officer who shall exchange them for other valid postage stamps of an equivalent value.

#### **16 Stamping machines**

- (1) The Minister may from time to time, on receiving such security as he or she thinks fit and on such terms and conditions as he or she thinks fit, cause or permit to be issued to any person stamping machines for making impressions denoting the sign of postage and the amount of stamp values and for recording any such amounts.
- (2) Impressions made by any such machine lawfully used shall be valid for the payment of postage and of charges on telegrams in the same manner as if adhesive stamps were used.

#### **17 Fictitious or used postage stamps**

- (1) A person shall not, except for such purposes and subject to such conditions as may be prescribed –
  - (a) make, knowingly utter, deal in or sell any fictitious stamp;

- (b) have in his or her possession, unless he or she shows a lawful excuse, any fictitious stamp;
  - (c) make or, unless he or she shows a lawful excuse, have in his or her possession any die, plate, instrument or materials for making any fictitious stamp.
- (2) A person shall not for the purposes of paying postal charges in respect of a packet transmitted by post, knowingly use –
- (a) a defaced or fictitious stamp; or
  - (b) any postage stamp which has been previously used to prepay any other postal packet.
- (3) Any person who acts in contravention of the foregoing provisions of this Article shall be guilty of an offence.
- (4) Any stamp, die, plate, instrument or materials found in the possession of any person in contravention of paragraph (1) may be seized and shall be forfeited.
- (5) Any postal officer who has reason to suspect in respect of any postal packet that the proper postage has been fraudulently evaded by the use of any defaced, fictitious or previously used stamp, shall refuse to deliver the packet unless the addressee agrees to disclose the name and address of the sender and, after opening the packet and retaining the enclosures, to deliver up the wrapper bearing the defaced, fictitious or previously used stamps.
- (6) In this Article the expression “fictitious stamp” means any facsimile, imitation or representation, whether on paper or otherwise, of any postage stamp or other mark, sign or impression for the time being authorized or required to be used for denoting a current rate of postage or other charge prescribed under Article 8 or of any stamp or other mark, sign or impression for denoting a current rate of postage of any postal authority outside Jersey.

## **PART 5**

### **CONVEYANCE OF MAILS BY SHIPS AND AIRCRAFT**

#### **18 Outward bound ships**

- (1) The master of every ship not being a mail ship, outward bound from a harbour within Jersey to any port or place beyond the limits of Jersey shall –
- (a) receive on board any mail bag tendered to him or her by a postal officer;
  - (b) give a written receipt for the mails;
  - (c) cause a description of the mails to be entered upon the ship’s manifest;
  - (d) deposit and keep the mails in a secure, dry place, and carry them apart from all other things;

- 
- (e) deliver the mails without delay on arrival at the port or place of his or her destination.
  - (2) Any master of a ship who fails to comply with the provisions of this Article shall be guilty of an offence.
  - (3) In the absence of a contract between the Minister and the owner of the ship concerning the carriage of mails aboard the ship, there shall be paid to the owner of any ship which carries mails in accordance with the provisions of this Article such fees or allowances as may be agreed between the owner and the Minister.

### **19 Delivery of mail from inward bound ships or aircraft**

- (1) On the arrival of a ship in a harbour or an aircraft at an airport within Jersey the master or commander, as the case may be, or any other person belonging to such a ship or aircraft who has charge of any such mails, shall –
  - (a) collect all mails on board such ship or aircraft which are intended for delivery within Jersey; and
  - (b) deliver them without delay to a postal officer duly authorized to receive the same.
- (2) The officer shall on demand give a receipt for any such mails received by him or her and the receipt shall discharge the master or commander, as the case may be, from all further responsibility in respect of the mails.
- (3) If the master of the ship or commander of the aircraft or any other person belonging to any such vessel or aircraft who has charge of any such mails refuses or neglects to deliver the mail as aforesaid, or detains or permits the detention of the mails on board, or does not use due diligence in the delivery of the mails, or does not take due care for the secure and dry custody of the mails so long as they are in his or her charge, he or she shall be guilty of an offence.
- (4) If the master of the ship or commander of the aircraft breaks bulk on board his or her ship or aircraft in any part or place before he or she has complied with the provisions of paragraphs (1) and (2) he or she shall be guilty of an offence.
- (5) Any person, being the master or commander, one of the officers or crew, or a passenger, of a ship or aircraft arriving at any place within Jersey, who, after the mails on board, or any of them, have been handed over to a postal officer, knowingly has in his or her baggage or in his or her possession or custody any postal packet within the exclusive privilege conferred on the States by Article 2 shall be guilty of an offence and shall for every such packet be liable to a fine not exceeding £10.
- (6) If the master of a ship or the commander of an aircraft, or any other person belonging to such ship or aircraft who has charge of any such mails –
  - (a) opens a sealed mail bag with which he or she is entrusted for conveyance; or

- (b) takes out of a mail bag with which he or she is entrusted for conveyance any postal packet or other thing,  
he or she shall be guilty of an offence.
- (7) An officer of the Impôts may refuse to permit bulk to be broken on board any inward bound ship or aircraft until he or she is satisfied that any postal packets brought in that ship or aircraft which are required to be delivered under paragraph (1) have been so delivered.
- (8) An officer of the Impôts may search any inward bound ship or aircraft for, and seize, any postal packets within the exclusive privilege of the States and may forward any such packets seized to the nearest post office.

## **PART 6**

### **MONEY ORDERS AND POSTAL ORDERS**

#### **20 Money orders**

- (1) The Minister may by Order provide for the remitting of small sums of money through the post by means of money orders and may make provision for the issue and payment of such orders and, in particular and without prejudice to the generality of the foregoing, may prescribe –
- (a) the limit of amount for which money orders may be issued;
  - (b) the persons by whom money orders are to be paid;
  - (c) the times and places at which money orders are to be paid;
  - (d) the period during which money orders shall remain valid;
  - (e) the rates of poundage and any other fees to be charged in respect of money orders; and
  - (f) the mode of payment of money orders.
- (2) Subject to such conditions and to the payment of such additional charges as may be prescribed, the Minister may, on the direction of the person to whom a money order has been issued or his or her executors or administrators, repay to such person or to such executors or administrators the amount of such order whether or not the order remains in the possession of that person and on that repayment all liability on the part of the Minister in respect of the money order shall, as against the payee of the money order and the holder thereof and every other person whomsoever, cease.
- (3) Where, after payment by the Minister to a banker to whom it has been delivered for collection of a money order issued on behalf of the States or a foreign postal administration, it is found that it ought not to have been paid, the sum paid may be deducted from sums subsequently falling to be paid by the Minister to that banker by way of payment of money orders so issued that have been delivered to him or her for collection.

**21 Postal orders**

- (1) The Minister may by Order authorize the issue, in such special form as may from time to time be prescribed, of postal orders and in particular and without prejudice to the generality of the foregoing may prescribe –
  - (a) the amounts for which postal orders may be issued;
  - (b) the manner in which and the conditions subject to which postal orders are to be issued, paid and cancelled;
  - (c) the period during which postal orders shall remain valid;
  - (d) the poundage payable in respect thereof.
- (2) Any person acting as a banker in Jersey who, in collecting in that capacity for any principal, has received payment or been allowed by the Minister in account in respect of any postal order, or of any document purporting to be a postal order, shall not incur liability to anyone except that principal by reason of having received the payment or allowance or having held or presented the order or document for payment; but this paragraph shall not relieve any principal for whom any such order or document has been so held or presented of any liability in respect of his or her possession of the order or document or of the proceeds thereof.

**22 Discharge of money orders and postal orders**

- (1) Where a money order or postal order issued on behalf of the States is presented for payment in Jersey by a banker to whom it has been delivered for collection, payment of it to him or her discharges it.
- (2) Where –
  - (a) an uncrossed money order or postal order issued on behalf of the States, being an order expressed to be payable to a person specified or described therein and being, or purporting to be, signed by him or her or on his or her behalf; or
  - (b) an uncrossed postal order so issued, being an order not expressed to be payable to such a person,is presented for payment in Jersey otherwise than by a banker to whom it has been delivered for collection, payment of the order to the person by whom it is presented discharges it.
- (3) A money order or postal order issued on behalf of the States is discharged by the payment thereof outside Jersey in accordance with arrangements made by the Minister under Article 25.
- (4) Where a money order or postal order issued by a foreign administration is paid by the Minister to a banker to whom it has been delivered for collection on behalf of a person other than the true owner of the order, the Minister shall not be liable to the true owner of the order by reason of having paid it to that banker.
- (5) Where –
  - (a) an uncrossed money order or postal order issued by a foreign postal administration, being an order expressed to be payable to a

person specified or described therein and purporting to be signed by him or her or on his or her behalf; or

- (b) an uncrossed postal order so issued, being an order not expressed to be payable to such a person,

is presented to the Minister for payment otherwise than by a banker to whom it has been delivered for collection or the true owner of the order, payment of the order by the Minister to the person presenting it shall not render the Minister liable to the true owner of the order.

### **23 Exemption from liability in respect of money orders and postal orders**

No proceedings shall lie against the States or against any postal officer in respect of –

- (a) anything done in accordance with any order made under this Part;
- (b) the wrong payment of a money order or postal order;
- (c) any loss or damage due to refusal to pay or delay in paying a money order or postal order issued on behalf of the States or by a foreign postal administration;
- (d) accidental neglect, omission or mistake by or on the part of any postal officer in connection with a money order or postal order.

### **24 Offences in connection with money orders and postal orders**

- (1) Any postal officer who with intent to defraud grants or issues any money order or postal order shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding 7 years.
- (2) Any postal officer who reissues a money order or postal order which has previously been paid shall for the purposes of this Article be deemed to have issued the order with intent to defraud.
- (3) Any person who with intent to defraud obliterates, adds to or alters any such lines or words on a money order or postal order as would, in the case of a cheque, be a crossing of that cheque or knowingly offers, utters or disposes of any money order or postal order with such fraudulent obliteration, addition or alteration shall be guilty of an offence and be liable to the like punishment as if the order were a cheque.

### **25 Arrangements with other countries as to money orders and postal orders**

The States may by Act make such provisions as seem to them to be necessary for the purpose of giving effect to any arrangement with the government of the United Kingdom or the government of any other country or territory or any foreign postal administration with respect to the transmission of small sums through post offices under the charge of the States and the government of the other country by means of money orders and postal orders and the provisions of this Part shall, subject to any modifications specified in such Act, apply to any order issued in pursuance of the arrangement.

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**PART 7**  
GENERAL OFFENCES

**26 Stealing mail bag or postal packet**

Any person who steals or attempts to steal –

- (a) any mail bag;
- (b) any postal packet in course of transmission by post; or
- (c) any of the contents of such mail bag or postal packet,

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding 10 years.

**27 Unlawfully taking away or opening mail bag**

Any person who unlawfully takes away or opens a mail bag sent by any ship, vehicle or aircraft employed for the transmission of postal packets in pursuance of an agreement made by the Minister under Article 6 or unlawfully takes a postal packet in course of transmission by post out of a mail bag so sent shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding 5 years.

**28 Receiving stolen mail bag or postal packet**

Any person who receives any mail bag, or any postal packet or any chattel or money or valuable security, the stealing or secreting of which amounts to an offence under this Law, knowing it to have been so stolen or secreted and to have been sent, or to have been intended to be sent, by post shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding 14 years.

**29 Retention of mail bag or postal packet**

Any person who fraudulently retains, or wilfully secretes or keeps, or detains, or who, when required by a postal officer, 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 her or by any other person,

shall be guilty of an offence and shall be liable to a fine not exceeding £100 and to imprisonment for a term not exceeding 2 years.

**30 Unlawful opening of postal packet**

- (1) Any person who unlawfully opens or causes to be opened any postal packet which ought to have been delivered to another person or does any act or thing whereby the due delivery of the packet to that other person is

prevented or delayed shall be guilty of an offence and shall be liable to a fine not exceeding £50 or to imprisonment for a term not exceeding 6 months.

- (2) Nothing in this Article shall apply to a person who does any act to which this Article applies where he or she is parent, or in the position of parent or curator or tutor, of the person to whom the postal packet is addressed.
- (3) In this Article the expression “postal packet” means a postal packet which is in course of transmission by post or which has been delivered by post.

### **31 Taking of postal packet by postal officer**

Any postal officer who takes, secretes or destroys a postal packet in course of transmission by post shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding 7 years.

### **32 Opening or delaying of postal packet by postal officer**

Any postal officer who, contrary to his or her duty, opens, or procures or suffers to be opened, any postal packet in course of transmission by post, or wilfully detains or delays, or procures or suffers to be detained or delayed, any such postal packet shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding £100 or to both such fine and such imprisonment:

Provided that nothing in this Article shall extend to the opening, detaining or delaying of a postal packet returned for want of a true direction, or returned by reason that the person to whom it is directed has refused it, or has refused or neglected to pay the postage thereof, or that the packet cannot for any other reason be delivered, or to the opening, detaining or delaying of a postal packet under the authority of this Law or in obedience to a warrant issued by the Attorney General under Article 3 of the Interception of Communications (Jersey) Law 1993.<sup>14</sup>

### **33 Carelessness, negligence or misconduct of persons employed in carrying or delivering mail bags, postal packets etc.**

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 a postal packet who –

- (a) without authority whilst so employed, or whilst the mail bag or postal packet is in his or her 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 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 her; or
  - (f) loiters on the road or passage, or wilfully misspends his or her time so as to retard the progress or delay the arrival of a mail bag or postal packet in the course of transmission by post, or does not use due care and diligence safely to convey a mail bag or postal packet at the due rate of speed,
- shall be guilty of an offence and shall be liable to a fine not exceeding £50.

**34 Prohibition of placing injurious substances in or against post office letter boxes**

Any person who –

- (a) places or attempts to place in or against any post office letter box any fire, match, 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 or its appurtenances or contents,

shall be guilty of an offence and shall be liable to a fine not exceeding £50 or to imprisonment for a term not exceeding 3 months or to both such fine and such imprisonment.

**35 Prohibition of affixing things on post offices etc.**

Any person who without due authority affixes or attempts to affix any placard, advertisement, notice, list, document, board or thing in or on, or paints or tars, any post office, post office letter box or other property belonging to or used by or on behalf of the Minister for postal purposes or in any way disfigures any such office, box, post or property shall be guilty of an offence and shall be liable to a fine not exceeding £5.

**36 Prohibition of imitation of stamps, envelopes, forms and marks**

Any person who without due authority makes, issues or sends by post or otherwise any envelope, wrapper, card, form or paper in imitation of one issued by or under the authority of the Minister or of any other postal administration, or having thereon any words, letters or marks which signify or imply or reasonably lead the recipient thereof to believe that it emanates from a Minister or Department of the States with whom the Minister has made an arrangement under Article 8, shall be guilty of an offence and shall be liable to a fine not exceeding £10.

**37 Obstruction and molestation of postal officer**

- (1) Any person who wilfully obstructs or molests, or incites anyone to obstruct or molest, a postal officer in the execution of his or her duty or, whilst in any post office, obstructs the course of business of that office shall be guilty of an offence and shall be liable to a fine not exceeding £10 or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.
- (2) A postal officer may require any person who commits any of the acts mentioned in paragraph (1) to leave a post office and, if the person so required refuses or fails to comply with the requirement, he or she may be removed by the officer and shall be liable to a further fine of £5.
- (3) Any police officer shall, at the request of a postal officer, help to expel from a post office any person liable to be expelled under the provisions of this Article and may use such force as may be required for the purpose.

**38 Penalties for offences**

A person guilty of an offence under this Law for which no penalty is otherwise provided shall be liable to the penalties prescribed in this Article, that is to say –

- (a) in respect of an offence under Article 14 to a fine not exceeding £50 or to a term of imprisonment not exceeding 6 months;
- (b) in respect of an offence under Article 17 to a fine not exceeding £50;
- (c) in respect of an offence under Part 5 to a fine not exceeding £200.

**PART 8****MISCELLANEOUS****39 Surrender of clothing by postal officer**

- (1) Where a postal officer ceases to be employed in that capacity he or she, or if he or she is dead, his or her personal representative shall deliver to the Minister all articles of uniform, equipment or other necessaries issued to the postal officer by the Minister in connection with the performance of his or her duties as such officer.
- (2) Any person who fails to comply with the provisions of this Article shall be liable to a fine not exceeding £5 and to pay such further sum not exceeding £5 as the court may determine to be the value of the articles not delivered or, if the articles have been delivered but not in good order and condition, of the damage done to the articles.

**40 Provisions as to Orders**

- (1) The Minister may by Order prescribe anything which the Minister may under this Law prescribe.
- (2) The Subordinate Legislation (Jersey) Law 1960,<sup>15</sup> shall apply to Orders made under this Law.

**41 Citation**

This Law may be cited as the Post Office (Jersey) Law 1969.

**SCHEDULE<sup>16</sup>**

(Article 6)

**BODIES ON BEHALF OF WHICH THE MINISTER MAY PERFORM  
SERVICES**

- (a) Girobank Plc;
- (b) the British Broadcasting Corporation.

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
Post Office (Jersey) Law 1969	L.20/1969	1 October 1969 (R&O.5267)
European Communities (Jersey) Law 1972	L.30/1972	1 January 1973
European Communities (Jersey) Law 1973	L.18/1973	1 September 1973
Interception of Communications (Jersey) Law 1993	L.15/1993	1 September 1993 (R&O.8574)
Post Office (Amendment) (Jersey) Law 1993	L.34/1993	2 July 1990 except Article 3 in force 1 January 1995 (R&O.8762)
Customs and Excise (Jersey) Law 1999	L.33/1999	1 November 2000 except Article 19 and parts of Schedule 4 (R&O.92/2000)
Post Office (Amendment No. 2) (Jersey) Law 1999	L.35/1999	24 December 1999
States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005	R&O.44/2005	9 December 2005

**Table of Renumbered Provisions**

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PART I	PART 1
PART II	PART 2
6(1)(ca)	6(1)(d)
(d)	(e)
(e)	(f)
PART III	PART 3
8(2A)	8(3)
(3)	(4)
12(j)	12(i)
15	repealed by L.33/1999; former Article 15(2) amended by L.30/1972
16	repealed by L.33/1999
PART IV	PART 4
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<b>PART VIII</b>	<b>PART 8</b>
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42	40
43	spent, omitted from this revised edition
44	spent, omitted from this revised edition
45(1)	41
45(2)	spent, omitted from this revised edition
<b>FIRST SCHEDULE</b>	spent, omitted from this revised edition
<b>SECOND SCHEDULE</b>	spent, omitted from this revised edition
<b>THIRD SCHEDULE</b>	<b>SCHEDULE</b>

### Table of Endnote References

- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government amended by L.34/1993*
- <sup>2</sup> *Long title*
- <sup>3</sup> *chapter 24.660*
- Article 1(1)*
- <sup>4</sup> *chapter 25.200*
- <sup>5</sup> *Article 4*
- <sup>6</sup> *Article 6 heading*
- repealed by R&O.44/2005*
- amended by L.34/1993*

- 
- <sup>7</sup> Article 6(2)      *inserted by L.34/1993*  
<sup>8</sup>                      *chapter 18.135*  
<sup>9</sup>                      *chapter 18.135*  
<sup>10</sup> Article 8(3)      *inserted by L.35/1999*  
<sup>11</sup> Article 10(1)     *amended by L.34/1993*  
<sup>12</sup> Article 10(2)     *amended by L.34/1993*  
<sup>13</sup>                      *chapter 11.300.30*  
<sup>14</sup>                      *chapter 08.620*  
Article 32           *amended by L.15/1993*  
<sup>15</sup>                      *chapter 15.720*  
<sup>16</sup> Schedule         *inserted by L.34/1993*