

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Post Office (Guernsey) Law, 1969**

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(Registered on the Records of the Island of Guernsey  
on the 9th day of September, 1969.)

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1969.

**XIV**

**1969**

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 9th day of September, 1969, before Sir William Arnold, Kt., C.B.E., Bailiff; present :—Claude Fortescue Nason, Esquire, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., and Jean Le Pelley, Esquire, Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 28th day of August, 1969, ratifying a *Projet de Loi* entitled "The Post Office (Guernsey) Law, 1969", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

## At the Court at Balmoral

The 28th day of August 1969

PRESENT,

### The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD WILSON OF LANGSIDE

MR. SECRETARY ROSS

MR. SECRETARY SHORT

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 21st day of August 1969, in the words following, viz:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolutions of the 31st day of January 1968 and of the 28th day of May 1969, the States of Deliberation at a meeting held on the 25th day of June 1969 approved a Bill or “Projet de Loi” entitled “The Post Office (Guernsey) Law, 1969”, which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 25th day of July 1969 considered the said Bill or “Projet de Loi” when a Resolution was passed agreeing to the application of the same to Alderney.

3. That the Chief Pleas of the Island of Sark at a meeting held on the 28th day of July 1969 considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty, might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Post Office (Guernsey) Law, 1969" and to order that the same shall have force of law in the Bailiwick of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. E. Leigh.*

Projet de Loi referred to in the foregoing  
Order in Council.

## PROJET DE LOI

ENTITLED

### **The Post Office (Guernsey) Law, 1969**

#### ARRANGEMENT OF SECTIONS

Section

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###### *Constitution and proceedings of the Board*

1. Establishment of the Board.
2. Constitution of the Board.
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##### PART II

###### *Privileges of the States and general powers relating thereto*

4. Exclusive privilege of States for conveyance etc.  
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5. Infringement of States privilege in respect of  
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9. General duty of the Board.
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*Appointment of States Director of Postal Services,  
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- 50. Prohibition of affixing placards, notices, etc. on post office.
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66. Surrender of clothing by an officer of States  
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# PROJET DE LOI

ENTITLED

## The Post Office (Guernsey) Law, 1969

THE STATES, in pursuance of their Resolutions of the thirty-first day of January, nineteen hundred and sixty-eight, and of the twenty-eighth day of May, nineteen hundred and sixty-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### PART I

#### *Constitution and proceedings of the Board*

Establish-  
ment of the  
Board.

1. There shall be established and constituted in accordance with the succeeding provisions of this Part of this Law a committee of the States to be styled the States Post Office Board (hereinafter except in section twelve referred to as "the Board") which shall exercise the powers and perform the duties conferred or imposed upon it by or under the provisions of this Law.

Constitution  
of the  
Board.

2. (1) The Board shall consist of:—
- (a) a President who shall be a member of the States having a seat therein; and
  - (b) four other members (hereinafter referred to as "ordinary members") at least two of whom shall be members of the States having a seat therein;

which President and ordinary members shall be elected by the States.

(2) The term of office of the person first elected as President of the Board in pursuance of the provisions of the last preceding subsection shall expire on the thirtieth day of April, nineteen hundred and seventy-one, and thereafter the said President shall hold office for a period of three years.

(3) The Board shall elect annually a Vice-President of the Board from among the ordinary members and the person so elected shall, if he continues so long to be an ordinary member, hold office as Vice-President of the Board for a period of one year commencing on the first day of May next following the date of such election save that the person first elected as aforesaid as Vice-President of the Board shall, if he continues so long to be an ordinary member, hold office from the date of election until the thirtieth day of April, nineteen hundred and seventy-one.

(4) On the death or retirement otherwise than by effluxion of time of the person holding the office of Vice-President of the Board, the Board shall elect one of the ordinary members to fill the office so vacated for the remainder of the term then current.

(5) One ordinary member of the Board shall retire from office on the thirtieth day of April, nineteen hundred and seventy, and thereafter one ordinary member shall retire on the thirtieth day of April, terminating each succeeding period of one year.

(6) The ordinary member to retire in accordance with the provisions of the last preceding subsection shall be the ordinary member who has held office longest since he was last elected or re-elected by the States save that when more than one ordinary member was elected on the same day the order

of their retirement shall be determined by agreement or failing such agreement by lot.

Meetings of  
the Board.

3. (1) Each member of the Board, other than the member presiding at a meeting thereof, shall have one vote and the person so presiding shall in the case of an equality of votes have a casting vote.

(2) A decision of a majority of the members of the Board present and voting at a meeting shall be a decision of the Board.

(3) The quorum for a meeting of the Board shall be three members and, subject to the preceding provisions of this section, the Board shall regulate its own procedure.

## PART II

### *Privileges of the States and general powers relating thereto*

Exclusive  
privilege of  
States for  
conveyance  
etc. of  
letters.

4. (1) Subject to the provisions of this section the States, acting by and through the Board, shall within the Bailiwick have the exclusive privilege of conveying from one place to another, and of performing all the incidental services of receiving, collecting, despatching and delivering, all letters:

Provided that, subject to compliance with such terms, conditions and restrictions as the Board thinks fit, the Board may either generally or in the case of any particular person authorise—

- (a) letters to be sent, conveyed and delivered otherwise than by post;
- (b) the collection of letters otherwise than by an officer of the States Post Office, whether to be despatched by post or otherwise.

(2) Nothing in the foregoing subsection shall make unlawful—

- (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 himself 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 document issuing out of a court or of any return or answers thereto;
- (e) the sending and conveyance of letters from merchants who are the 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 the letters;
- (f) the sending, conveyance and delivery of letters by land by means of a common carrier, being letters concerning and for delivery with goods carried by him, so, however, that no payment or reward, profit or advantage whatsoever is given or received for the conveyance or delivery of those letters:

Provided that nothing in this subsection shall authorise any person to make a collection of letters for the purpose of their being sent or conveyed in any manner authorised by this subsection.

(3) Notwithstanding anything in the last foregoing subsection, the following persons are expressly forbidden to carry a letter or to receive, collect or deliver a letter, even if they receive no payment or reward for doing so, that is to say—

- (a) except for such letters as are mentioned in paragraph (e) of the last foregoing subsection, owners of, or any person on board, any ship or aircraft on a voyage or flight between, to or from places in the Bailiwick;
- (b) except for such letters as are mentioned in paragraph (f) of the last foregoing subsection, common carriers by land or their servants or agents;
- (c) owners, drivers or conductors of public service vehicles:

Provided that this subsection shall not make unlawful the receipt, carriage or delivery of letters between places in the Bailiwick by any person which would otherwise be lawful by virtue of paragraph (a) or, if that person is a passenger, paragraph (b) or (c) of the last foregoing subsection .

(4) For the purposes of this section, 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.

Infringe-  
ment of  
States  
privilege in  
respect of  
letters.

5. (1) Without prejudice to subsection (3) of this section, if, save as permitted by or under this Law, any person does any of the following things, that is to say—

- (a) sends or causes to be sent, or tenders or delivers in order to be sent, or conveys, or performs any service incidental to conveying, otherwise than by post, any postal

packets within the exclusive privilege of the States; or

- (b) makes a collection of any such postal packets for the purpose of conveying or despatching them either by post or otherwise;

he shall be liable, on conviction, to a fine not exceeding twenty-five pounds for every packet, whether the packet is sent or is intended to be sent singly or together with some other packet or thing, and if he is in the practice of doing any of the said things to an additional fine not exceeding two hundred pounds for every week during which the practice has continued.

(2) In any proceedings under subsection (1) of this section, it shall lie upon the person proceeded against to prove that the act to which those proceedings relate was done lawfully.

(3) Without prejudice to the foregoing provisions of this section, compliance with the last foregoing section shall be enforceable by civil proceedings by the States for an injunction or for any other appropriate relief.

6. Any person who affixes or attaches, or requires or authorises any other person to affix or attach, to any postal packet any label, mark or other device indicating, intended to indicate or capable of being taken as indicating that a sum of money, other than postage or other sums chargeable in respect of postal packets by virtue of subsection (1) of section thirteen of this Law, has been paid for the purpose of collecting, conveying or delivering such postal packet within the exclusive privilege of the States or performing any services incidental thereto shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds.

Affixing of labels etc.



Powers of  
the Board in  
respect of  
posts, post  
offices and  
postal  
packets.

7. Subject to the provisions of this Law, the Board may establish such posts and post offices as the Board thinks expedient, and collect, receive, forward, convey and deliver in such manner as the Board thinks expedient all postal packets transmitted within or to or from the Bailiwick.

### PART III

#### *Powers and duties of the Board*

Powers of  
the Board.

8. (1) The Board shall have power—
  - (a) to provide postal services (including cash on delivery services);
  - (b) to provide a banking service of the kind commonly known as a giro system and such other services by means of which money may be remitted (whether by means of money orders, postal orders or otherwise) as it thinks fit;
  - (c) to provide data processing services; and
  - (d) to perform services for Her Majesty's Government in the United Kingdom, Her Majesty's Government in Northern Ireland, the States of Guernsey, the States of Alderney or the Chief Pleas of Sark, or the government of a country or territory outside the Bailiwick or for the Post Office or for local or national health service authorities in the United Kingdom.
- (2) The powers conferred by the foregoing subsection on the Board include power for it—
  - (a) to construct, manufacture, produce, purchase, take on hire or hire-purchase, install, maintain and repair anything required for the purposes of its business;

- (b) to construct, manufacture, produce or purchase for supply to others any articles of a kind similar to any so required and to install, maintain, repair and test for others articles of such a kind;
- (c) to provide others with the services of persons employed by it for the purpose of undertaking for them tasks of a kind which, in the course of the provision or performance by it of any service falling within the foregoing subsection, are undertaken by persons so employed;
- (d) to provide, for the benefit of others, consultancy and advisory services concerning anything that it does in exercise of its powers or has power to do and facilities for the training of persons for any purpose connected with anything that it so does or has power to do;
- (e) to enter into and carry out agreements with any person for the carrying on by him, whether as its agent or otherwise, of any of the activities which itself may carry on or for the carrying on jointly by him and it of any of those activities;
- (f) to do anything for the purpose of advancing the skill of persons employed by it or that of persons who, though not so employed, are engaging themselves, or have it in contemplation to engage themselves, in work of a kind in the case of which it has or may have a direct or indirect concern in the products thereof;
- (g) to enter into, and carry out, agreements with persons who carry on business as carriers of goods, for the carriage by it on their

behalf of goods consigned to them for carriage by them;

- (h) to do all other things which, in its opinion, are requisite or expedient to facilitate the proper carrying on of its business.

(3) The provisions of this section shall not be construed as limiting any power of the Board conferred by or under any other provision of this Law.

General  
duty of the  
Board.

9. (1) It shall be the duty of the Board so to exercise its powers as to meet the social, industrial and commercial needs of the Bailiwick in regard to matters that are subserved by those powers and, in particular, to provide throughout the Bailiwick (save in so far as the provision thereof is, in its opinion, impracticable or not reasonably practicable) such services for the conveyance of letters as satisfy all reasonable demands for them.

(2) In discharging the duty imposed on it by the foregoing subsection, the Board shall have regard—

- (a) to the desirability of improving and developing its operating systems;
- (b) to efficiency and economy.

(3) Subsection (1) above shall not be taken to preclude the Board from interrupting, suspending or restricting, in case of emergency, any service provided by it.

(4) Nothing in this section shall be construed as imposing upon the Board either directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

Accounts,  
and audit  
thereof.

10. (1) The Board shall keep proper accounts and other records and shall prepare in respect of each

accounting year a statement of accounts in a form which shall conform to the best commercial standards and shall submit that statement as soon as may be to the States.

(2) The accounts of the Board shall be audited by auditors appointed by the States.

## PART IV

### *Appointment of States Director of Postal Services, officers, servants and agents*

11. A person from time to time appointed in that behalf by the States Appointments Board shall be the chief executive officer of the Board by the style of the States Director of Postal Services.

Appoint-  
ment of  
Director of  
Postal  
Services.

12. The States Civil Service Board may appoint for the purposes of this Law such administrative, professional, technical and clerical officers as may seem to it to be necessary and the States Post Office Board may for the said purposes appoint such other officers and such deputies, agents and servants as may seem to it to be necessary.

Appoint-  
ment of  
other staff.

## PART V

### *General provisions as to transmission of postal packets*

13. (1) Subject to the provisions of this Law, there shall be charged by the Board for the account of the States in respect of postal packets which are conveyed or delivered for conveyance by post under the authority of the Board such postage and other sums as the States may by Ordinance provide.

Postage to  
be charged  
on postal  
packets.

(2) An Ordinance under this section may—

- (a) fix or provide for the determination of the rates of postage and the other sums, if any, to be charged in respect of postal packets and postal facilities under this Law;
- (b) make provision as to the scale of weights and the circumstances according to which those rates and sums are to be charged;
- (c) confer upon the Board power to remit in whole or in part any postage or other sums chargeable in such cases or classes of cases as it may determine.

General  
provisions  
relating to  
postage etc.

14. (1) Except as the Board may otherwise prescribe and subject to the provisions of this Law and any Ordinance made thereunder, all postage and other sums chargeable in respect of postal packets by virtue of the last foregoing section shall be paid by means of stamps.

(2) The Board may stamp any paper sent to the Board for the purpose of being stamped as covers or envelopes of postal packets with stamps denoting the appropriate postage on payment of the amount of the stamps required to be impressed and, except where that amount exceeds ten pounds, of such further fee as the Board may prescribe.

(3) The Board 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 it thinks fit, of any less value.

(4) The marks used by the Board for the purpose of cancelling stamps used for the payment of postage on postal packets may consist of such words or devices as the Board may in its discretion think proper, including the words or devices constituting advertisements in respect of the use of which as post-marks payment is made by any person to the Board.

15. (1) Where the postage or any other sum chargeable for the transmission of an inland postal packet is required to be prepaid and has not been, or has been insufficiently, prepaid by the sender, there shall be payable by the addressee on the delivery of the packet, or, if the packet is refused or cannot for any other reason be delivered, by the sender—

Provisions  
as to postage,  
etc., not  
prepaid or  
insuffi-  
ciently  
prepaid.

- (a) where the non-payment or deficiency is in respect of postage, an amount equal to double the amount of the postage or, as the case may be, of the deficiency;
- (b) where the non-payment or deficiency is in respect of a sum other than postage, an amount equal to that sum or, as the case may be, to the amount of the deficiency:

Provided that the States may by Ordinance provide conditionally or unconditionally that such lesser amount than that specified in paragraph (a) of this subsection shall be payable.

(2) Where, on the delivery to him of an inland postal packet, the addressee has paid any amount thereon in accordance with the foregoing subsection and desires to reject the packet, the Board may, on the application of the addressee and subject to any order made by the Board under this Law, charge to the sender the said amount together with the additional postage and other charges, if any, for returning the packet to him, and the sender shall pay any sum so charged and on the payment by the sender of that sum the Board shall repay to the addressee the amount paid by him under the foregoing subsection.

Conditions of  
transit of  
postal  
packets.

16. (1) The Board may by order make provision as to:—

- (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) special conditions 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;
- (d) stamps and covers for postal packets;
- (e) the form, dimensions and maximum weight of postal packets;
- (f) what may be enclosed in postal packets;
- (g) the use for making communications of packets not charged with postage as letters;
- (h) the extent to which written matter may be permitted on the covers of postal packets and the character and position of that written matter;
- (i) what circulars or commercial, legal or other documents shall be charged with postage otherwise than as letters;
- (j) what marks or indications referring to the contents of a registered newspaper may be

written or printed on the newspaper or on the cover thereof without causing the packet to be charged with postage as a letter;

- (k) the postponement of the despatch or delivery from a post office of printed or sample packets or postcards to avoid delay in the despatch or delivery of letters;
- (l) the re-direction of postal packets and the transmission of postal packets so re-directed either free of charge or subject to such postage or other charges as may be specified in the order;
- (m) the disposal of postal packets in course of transmission by post in cases where it appears to the satisfaction of the Board that the addressee is dead;

and otherwise as to the conditions, prohibitions and restrictions subject to which postal packets may be posted, forwarded, conveyed or delivered, and different orders may be made for different cases or different circumstances.

(2) If any postal packet is posted or sent by post in contravention of this Law or of any Ordinance or any order made thereunder, the transmission thereof may be refused and the packet may, if necessary, be detained and opened in the post office by an officer of the States Post Office generally or specially authorised in writing in that behalf by the Board and may be returned to the sender thereof or forwarded to its destination, subject in either case to any order made by the Board as to additional postage or other charges, or may be destroyed or otherwise disposed of as the Board may direct.

(3) Where for any reason any postal packet can neither be delivered nor be returned to the sender,



that packet may be destroyed or otherwise disposed of as the Board may direct.

Decision as  
to postal  
packets.

17. If any question arises whether any postal packet is a letter or any other description of postal packet within the meaning of this Law or of any Ordinance or any order made thereunder, the decision of the Board thereon shall be final.

Cash on  
delivery.

18. (1) The Board may conduct in accordance with such provisions as may be made by the Board by order under this section a cash on delivery service in respect of—

- (a) inland postal packets;
- (b) postal packets transmitted between the Bailiwick and any other country or place the postal administration of which has made an arrangement with the Board for the purposes of this section.

(2) An order made for the purposes of this section may prescribe the terms on which and the conditions subject to which a cash on delivery packet may be posted, conveyed and delivered, and in particular may—

- (a) authorise the Board to withhold delivery of such a packet until the sums payable in respect thereof have been paid; and
- (b) provide for the remission to the senders of such packets by means of money orders of the sums payable to them in respect of the packets.

(3) Where a cash on delivery packet is delivered in the Bailiwick without the sums payable in respect thereof having been paid, the Board may by notice in writing require the addressee within the time specified in the notice either to pay the said sums

or to redeliver the packet intact to the Board, and if the addressee fails to comply with the notice the Board shall be entitled to recover the said sums as a civil debt due to it from the addressee.

(4) The provisions of this Law as to the recovery of postage or other sums payable in respect of a postal packet shall apply in relation to any sums payable in respect of a cash on delivery packet, and a certificate of the amount of any sum payable as last mentioned purporting to be signed by or on behalf of the Director shall, in any legal proceedings for the recovery of any such sums, be sufficient proof of the facts stated therein unless the contrary is shown.

(5) In this section, the expression "cash on delivery service" means a service whereby the Board or a foreign administration undertakes at the request of the sender of a postal packet to collect, or secure the collection of, a sum of money on its behalf from the addressee as a condition of delivery; and the expression "cash on delivery packet" means a postal packet in respect of which such an undertaking as aforesaid is given.

19. (1) A person shall not send or attempt to send or procure to be sent a postal packet which—

**Prohibition  
of sending  
by post of  
certain  
articles.**

- (a) save as the Board may either generally or in any particular case allow, encloses any explosive, dangerous, noxious or deleterious substance, any filth, any sharp instrument not properly protected, any noxious living creature, or any creature, article or thing whatsoever which is likely to injure either other postal packets in course of conveyance or an officer of the States Post Office;  
or

- (b) encloses any indecent or obscene print, painting, photograph, lithograph, engraving, cinematograph film, book, card or written communication, 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 designs which are grossly offensive or of an indecent or obscene character.

(2) If any person acts in contravention of the foregoing subsection, he shall be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

(3) The Board may by order make provision for preventing the sending or delivery by post of any such articles as are mentioned in paragraph (b) or paragraph (c) of subsection (1) of this section or of any postal packet having thereon, or on the cover thereof, any words, marks or designs of a libellous or offensive character.

(4) The detention in a post office of any postal packet on the grounds of a contravention of this section or of any order made thereunder 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.

**Registration  
of newspaper**

20. (1) The proprietor or printer of any publication such as is specified in the next following section may register it in a register of newspapers kept for that purpose at the Head Post Office in such form and with such particulars as the Board may direct: Provided that the Board may refuse to permit the registration under this section of any publication

printed and published outside the Bailiwick unless arrangements have been made to its satisfaction for maintaining a responsible representative of the publication in the Bailiwick, the United Kingdom, Jersey or the Isle of Man.

(2) Any such registration shall be in respect of a period of twelve months commencing on such date in each year as the Board may prescribe, and there shall be payable on each registration such fee not exceeding one pound as may be prescribed by the Board.

(3) A publication for the time being on the said register—

- (a) shall be a registered newspaper within the meaning of this Law; and
- (b) shall be a newspaper within the meaning of any arrangement with the government of any other country or a foreign administration for securing advantages for newspapers sent by post.

(4) The Board may from time to time revise the register kept under this section and remove therefrom any publication not registrable by virtue of the next following section.

21. A publication shall be registrable under the last foregoing section 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; and
- (b) it is printed and published in the Bailiwick or in the United Kingdom, Jersey or the Isle of Man or some other part of Her Majesty's dominions, or the Republic of Ireland; and

**Publications  
registrable  
as news-  
papers.**

- (c) it is published in numbers at intervals of not more than seven 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.

Supplements  
to registered  
newspapers.

22. 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; and
- (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; and
- (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 Board may by order modify the provisions of this section so far as they apply to a publication which consists wholly of pictorial matter illustrative of articles in the newspaper.

Postal  
arrange-  
ments with  
other  
countries.

23. The States may by Ordinance make such provision as they may deem necessary or expedient for the purpose of giving effect to any arrangement with the government of the United Kingdom or the government of any other country with respect to the

conveyance by post of any postal packets between the Bailiwick and places outside the Bailiwick, and may make provision as to the charges for the transit of postal packets, single or in bulk, the scale of weights to be adopted, and the accounting for and the paying over to any other postal administration of any money received by the Board.

24. (1) Subject to the provisions of this section, the enactments for the time being in force relating to taxes, duties and impôts shall apply in relation to goods contained in postal packets to which this section applies brought into or sent out of the Bailiwick by post from or to any place outside the Bailiwick as they apply in relation to goods otherwise imported, exported or removed into or out of the Bailiwick from or to any such place.

Application  
of taxes,  
duties and  
impôts  
enactments  
to postal  
packets.

(2) The States may by Ordinance make provision:—

- (a) for specifying the postal packets to which this section applies;
- (b) for making modifications or exceptions in the application of the said enactments to such packets;
- (c) for enabling officers of the States Post Office to perform for the purposes of the said enactments and otherwise all or any of the duties of the importer, exporter or person removing the goods;
- (d) for carrying into effect any arrangement with the government of any other country or a foreign administration with respect to foreign postal packets;
- (e) for securing the observance of the said enactments and, without prejudice to any liability of any person under those enact-

ments, for punishing any contravention of any such Ordinance;

and different provisions may be made for foreign and inland postal packets respectively.

(3) The provisions of this Law as to the recovery of postage or other sums payable in respect of a postal packet shall apply in relation to any tax, duty or impôt or other charges payable in respect of a postal packet to which this section applies, whether payable to the States or to the government of any country outside the Bailiwick, and a certificate of the amount of any such tax, duty or impôt or other charges purporting to be signed by the Director or on his behalf by an officer of the States Post Office shall in any legal proceedings for the recovery of the tax, duty or impôt or charges be sufficient evidence of the facts stated therein unless the contrary is shown.

Power to  
detain postal  
packets  
containing  
contraband.

25. (1) Without prejudice to the last foregoing section, the Board may detain any postal packet suspected to contain any goods chargeable with any tax, duty or impôt which has not been paid or secured or any goods in the course of importation, exportation or removal into or out of the Bailiwick contrary to any prohibition or restriction for the time being in force with respect thereto under or by virtue of any enactment and may forward the packet to the States Supervisor.

(2) Where any postal packet has been forwarded to the States Supervisor under this section he may—

- (a) in the presence of the person to whom the packet is addressed; or
- (b) if, after notice in writing from the States Supervisor requiring his attendance left at or forwarded by post to the address on the packet, the addressee fails to attend, or if

the address on the packet is outside the Bailiwick, then in his absence,

open and examine the packet.

(3) Where the States Supervisor opens and examines a postal packet under this section, then—

- (a) if he finds any such goods as aforesaid he may detain the packet and its contents for the purpose of taking proceedings with respect thereto;
- (b) if he finds no such goods, he shall either deliver the packet to the addressee upon his paying any postage and other sums chargeable thereon or, if he is absent, forward the packet to him by post.

26. All postage and other sums payable under this Law in respect of postal packets may be recovered as a civil debt due to the States.

Recovery of postage.

27. (1) The official mark of any sum on any postal packet as due in respect of that packet, whether the mark is the mark of the Board or of any foreign administration and whether the sum is marked as being due to the States or otherwise, shall in any court in the Bailiwick be sufficient proof of the liability of the packet to the sum so marked unless the contrary is shown, and the sum shall be recoverable in any such court as postage due to the States.

Board mark evidence of amount of postage, etc.

(2) 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 a stamp or other endorsement of the Board or any foreign administration 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.

(3) In any such proceedings as aforesaid, a certificate purporting to be signed on behalf of the Board by an officer of the States Post Office that any mark, stamp or endorsement is such a mark, stamp or endorsement as is mentioned in the foregoing provisions of this section shall be sufficient proof thereof unless the contrary is shown.

(4) In any such proceedings as aforesaid, the person from whom any postal packet in respect of which any postage or 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.

Liability in  
connection  
with postal  
packets.

28. (1) Subject to the succeeding provisions of this section, the registration of or giving of a receipt for a postal packet, or the giving or obtaining of a certificate of posting or delivery of a postal packet, shall not render the States in any manner liable in contract or in tort for the loss of or damage to the packet or the contents thereof.

(2) Subject to the succeeding provisions of this section, no proceedings in contract or in tort shall lie against the States for anything done or omitted to be done in relation to a postal packet by any person while employed as a servant or agent of the States; nor shall any officer of the States Post Office be subject, except at the suit of the States, to any civil liability for any of the matters aforesaid.

(3) Notwithstanding the provisions of subsection (1) of this section, proceedings shall lie against the States under this subsection in respect of loss of or damage to a registered inland postal packet, in so far as the loss or damage is due to any wrongful act done or any neglect or default committed by a

person employed as a servant or agent of the States while performing or purporting to perform his functions as such in relation to the receipt, carriage, delivery or other dealing with the packet:

Provided that:—

- (a) the amount recoverable in any proceedings under this subsection shall not exceed the market value of the packet in question (excluding the market value of any message or information which it bears) at the time when the cause of the action arises;
- (b) the amount recoverable in any such proceedings shall not in any event exceed the maximum amount which may be prescribed by the Board as being available for compensating the persons aggrieved having regard to the fee paid in respect of the registration of the packet; and
- (c) the States shall not be liable under this subsection in respect of any packet unless such conditions as are prescribed by the Board in relation to registered inland postal packets have been complied with in relation to that packet.

(4) For the purposes of any proceedings under this subsection, it shall be presumed, until the contrary is shown on behalf of the States, that the loss of or damage to the packet was due to some wrongful act done, or some neglect or default committed, by a person employed as a servant or agent of the States while performing or purporting to perform his functions as such in relation to the receipt, carriage, delivery or other dealing with the packet.

(5) No relief shall be available under subsection (3) of this section except upon a claim by the sender or the addressee of the packet in question;

and the sender or addressee of the packet shall be entitled to claim any relief available under the said subsection in respect of the packet, whether or not he is the person damaged by the injury complained of, and to give a good discharge in respect of all claims in respect of the packet under the said subsection:

Provided that where the court is satisfied, upon an application by any person who is not the sender or addressee of the packet, that the sender and the addressee are unable or unwilling to enforce their remedies in respect of the packet under the said subsection, the court may, upon such terms as to security for costs and otherwise as the court thinks just, allow that other person to bring proceedings under the said subsection in the name of the sender or the addressee of the packet.

(6) Any reference in the last foregoing subsection to the sender or addressee of the packet includes a reference to his legal personal representatives.

(7) Where by virtue of subsection (5) of this section any person recovers any money or property which, apart from that subsection, would have been recoverable by some other person, the money or property so recovered shall be held on trust for that person.

(8) The Board may prescribe the conditions to be observed for the purposes of this section in relation to registered inland postal packets.

(9) In this section the expression "sender", in relation to a postal packet, has such meaning as may be prescribed by the Board.

(10) Any reference in this section to a postal packet shall be construed as including a reference to the contents of such a packet.

(11) No proceedings shall lie against the States under the foregoing provisions of this section unless the proceedings are begun within the twelve months beginning with the date on which the packet in question was posted.

## PART VI

### *Money orders*

29. (1) The Board may by order provide for the remission of small sums of money through post offices established by it by means of money orders, and may demand and receive for the use of the States in respect of those money orders such rates of poundage as may be prescribed by the Board, and all poundage so received shall be deemed to be part of the States revenues. Money orders.

(2) An order under this section may make provision with respect to money orders, and to the payment thereof and to the persons by or to whom they are to be paid, and the times and places at which and otherwise as to the mode in which they are to be paid.

(3) Subject to any order under this section, the Board may repay the amount of any money order to the person to whom the order is issued, or his legal personal representatives, whether the order remains in the possession of that person or not, and upon that repayment all liability on the part of the States 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.

(4) No interest shall be payable in respect of any money order.

(5) No action or other legal proceedings shall be instituted against the States or against any officer of the States Post Office or any person whomsoever in respect of any compliance with an order under this section, or otherwise in relation thereto, or in respect of the payment of any such money orders being refused or delayed by or on account of any accidental neglect, omission or mistake by or on the part of any officer of the States Post Office, or for any other cause whatsoever, without fraud or wilful misbehaviour on the part of any officer of the States Post Office.

Special provisions as to postal orders.

30. (1) The Board may authorise an officer of the States Post Office to issue money orders in a special form to be prescribed by the Board, and those money orders (hereinafter referred to as "postal orders") shall be paid in the manner and subject to the conditions prescribed by the Board and the amounts for which they may be issued and the poundage payable in respect thereof shall be such as may be so prescribed.

(2) If any order made in pursuance of the last preceding subsection so provides, the Board may authorise any person in the employ of the States to issue postal orders, and a person so authorised shall, for the purposes of the issue and payment of postal orders, be deemed to be an officer of the States Post Office.

(3) Any person acting as a banker in the Bailiwick who, in collecting in that capacity for any principal, has received payment or been allowed by the Board 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 subsection 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 possession of the order or document or of the proceeds thereof.

(4) The States may by Ordinance provide for applying, with the necessary adaptations, as respects postal orders, all or any of the provisions (including penal provisions) of the Stamp Duties Management Act, 1891, and section nine of the Stamp Act 1891.

31. (1) If any officer of the States Post Office grants or issues any money order with a fraudulent intent, he shall be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding seven years or to a fine or to both such imprisonment and such fine. Issuing money orders with fraudulent intent.

(2) If any officer of the States Post Office re-issues a money order previously paid, he shall be deemed to have issued the order with a fraudulent intent for the purposes of this section.

32. (1) A money order shall be deemed to be an order for the payment of money and a valuable security within the meaning of this Law and of the Larceny (Guernsey) Law, 1958(a). Forgery and stealing of money orders.

(2) If any person with intent to defraud obliterates, adds to or alters any such lines or words on a money 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 with such fraudulent obliteration, addition or alteration, he shall be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding seven

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(a) Ordres en Conseil Vol. XVII, p. 318.

years or to a fine or to both such imprisonment and such fine.

Arrange-  
ments with  
other  
countries as  
to money  
orders.

33. Where an arrangement is made with a government of any other country or a foreign administration for the transmission of small sums through post offices under the charge of the Board and the postal administration of the other country by means of money orders, the four last foregoing sections shall, so far as is consistent with the tenor thereof, and subject to any modifications prescribed by the Board, apply in like manner as if an order issued in pursuance of the arrangement, whether by an officer of the States Post Office or by an officer of the other postal administration, were a money order within the meaning of those sections:

Provided that—

- (a) any order relating to any money orders issued in pursuance of any such arrangement as aforesaid may differ from the provisions of any order made by the Board and relating to any other money orders; and
- (b) any money orders issued in pursuance of any such arrangements as aforesaid may be of such amount and in such form and subject to such conditions respecting poundage, commission, the periods during which they are payable, and other matters, as may be prescribed by the Board.

## PART VII

### *Conveyance of mail bags by ships and aircraft*

Outward  
bound  
ships.

34. (1) Every master of a ship outward bound shall receive on board his ship every mail bag tendered to him by an officer of the States Post

Office for conveyance, and having received it shall deliver it, on arriving at the port or place of his destination without delay.

(2) If the master of any such ship fails to comply with this section he shall be liable, on summary conviction, to a fine not exceeding two hundred pounds.

35. (1) The three next following subsections shall apply in relation to a ship or aircraft inward bound carrying any postal packets within the exclusive privilege of the States not being packets to which the next following section applies.

Inward  
bound ships  
and aircraft.

(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 some bag or other covering sealed with his seal and addressed to the Board and shall without delay deliver them to the proper officer of the States 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) If the master of the ship or the commander of the aircraft does not duly comply with the provisions of the last foregoing subsection he shall be liable, on conviction, to a fine not exceeding two hundred pounds.

(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 the provisions of subsection (2) of this section and if he does so he shall be liable, on conviction, to a fine not exceeding fifty pounds.

(5) A States Revenue Officer 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 in that ship or aircraft which are required to be delivered under subsection (2) of this section have been so delivered.

(6) A States Revenue Officer may search any inward bound ship or aircraft for, and seize, any postal packets within the exclusive privilege of the States and forward any such packets seized to the nearest post office; and subsection (2) of section sixteen of this Law shall apply in relation to any packet so forwarded.

Owners'  
letters.

36. (1) The two next following subsections 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 a ship or aircraft, being a letter which, not being excepted from the exclusive privilege of the States, complies with the following conditions, that is to say—

- (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 States Post Office.

(3) Any such letter required to be delivered to a person at any other place in the Bailiwick 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 shall for each offence be liable, on conviction, to a fine not exceeding ten pounds.

37. If any person, being the master or commander, one of the officers or 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, except a postal packet not within the exclusive privilege of the States 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 States Post Office, he shall for every such packet be liable, on conviction, to a fine not exceeding twenty pounds; and if he detains any such packet after demand made either by a States Revenue Officer or by any person authorised by the Board to demand the postal packets on board the ship or aircraft, he shall for every postal packet detained be liable, on conviction, to a fine not exceeding twenty pounds.

Retention of  
postal  
packets  
after  
delivery of  
part thereof  
to the States  
Post Office.

38. (1) In the case of any mechanically-propelled ship which carries on regular communications between a port in the Bailiwick and any other port or place in the Bailiwick the Board may require the person by whom that ship is owned or worked to carry parcels in that ship.

Carriage of  
parcels by  
ships.

(2) The remuneration for any services rendered by a ship under this section shall be determined by agreement between the Board and the person owning or working the ship and any remuneration so determined shall be paid direct to that person.

(3) Any dispute arising between the Board and a person owning or working a ship as to the remuneration for any services rendered by the ship under this section shall be determined by two arbitrators, one of whom shall be appointed by the Board and one by the person owning or working the ship.

(4) Arbitrators appointed as aforesaid shall, before commencing to determine any dispute referred to them under the last preceding subsection, nominate in writing an umpire who shall determine the dispute if the arbitrators disagree.

(5) Any decision of the arbitrators, or of the umpire, as the case may be, under the provisions of this section, shall be final.

Remuneration of owners and masters or commanders of ships or aircraft.

39. Without prejudice to the last foregoing section, the Board may prescribe the allowance to 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 Board, and also to pilots, crew and others in respect of postal packets or any description thereof brought by them to any post office from any ship or aircraft, of such gratuities under such conditions and restrictions as the Board may from time to time think fit.

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

40. (1) If the master of a ship or the commander of an aircraft—

(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;

he shall be liable, on conviction, to a fine not exceeding two hundred pounds.

(2) If any person to whom postal packets have been entrusted by the master of a ship or the commander of an aircraft to deliver to the States Post Office, breaks the seal, or in any manner wilfully opens them, he shall be liable, on conviction, to a fine not exceeding fifty pounds.

## PART VIII

### *General offences*

41. If any person—

- (a) steals a mail bag;
- (b) steals any postal packet in course of transmission by post;
- (c) steals any chattel, money or valuable security out of a postal packet in course of transmission by post; or
- (d) stops a mail with intent to rob or search the mail,

Stealing  
mail bag or  
postal  
packet.

he shall be guilty of an offence and liable to imprisonment for life or to imprisonment for any shorter term or to a fine or to both such shorter term and such fine.

42. If any person unlawfully takes away or opens a mail bag sent by any ship, vehicle or aircraft employed by or under the Board for the transmission of postal packets under contract, or unlawfully takes a postal packet in course of transmission by post out of a mail bag so sent, he shall be guilty of an

Unlawfully  
taking away  
or opening  
mail bag.

offence and liable, on conviction, to imprisonment for a term not exceeding fourteen years or to a fine or to both such imprisonment and such fine.

Receiver of  
stolen mail  
bag or  
postal  
packet.

43. If any person receives any mail bag, or any postal packet or any chattel or money or valuable security, the stealing, taking, fraudulent conversion or secreting of which amounts to an offence under this Law knowing it to have been so stolen, taken, fraudulently converted or secreted, and to have been sent, or to have been intended to be sent, by post, he shall be guilty of an offence and be liable to the same punishment as if he had himself stolen, taken, fraudulently converted or secreted it, and may be proceeded against and convicted whether the principal offender has or has not been previously convicted or is or is not amenable to justice.

Fraudulent  
retention of  
mail bag or  
postal  
packet.

44. Any person who fraudulently retains, or wilfully secretes or keeps, or detains, or who, when required by an officer of the States 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;

shall be guilty of an offence and liable, on conviction, to a fine or to imprisonment or to both a fine and imprisonment.

Criminal  
diversion of  
postal  
packets  
from  
addressee.

45. (1) If any person not being an officer of the States Post Office wilfully and maliciously, with intent to injure any other person, either opens or causes to be opened any postal packet which ought to have been delivered to that other person, or does

any act or thing whereby the due delivery of the packet to that other person is prevented or impeded, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

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

(3) In 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.

46. If any officer of the States Post Office steals, or for any purpose whatever fraudulently converts to his own use or benefit or the use or benefit of another person, secretes or destroys, a postal packet in course of transmission by post, he shall be guilty of an offence and be liable, on conviction, to imprisonment for a term not exceeding seven years or to a fine or to both such imprisonment and such fine, or, if the postal packet contains any chattel, money or valuable security, to imprisonment for life or for any shorter term or to a fine or to both such shorter term and such fine.

Stealing, fraudulent conversion, destruction, etc. by officer of States Post Office of postal packet.

47. (1) If any officer of the States Post Office, contrary to his 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, he shall be guilty of an offence and liable, on conviction, to a fine or to imprisonment not exceeding two years or to both such fine and such imprisonment:

Opening or delaying of postal packets by officer of States Post Office.

Provided that nothing in this section 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 an express authority in writing of Her Majesty's Procureur.

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

48. If 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—

- (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 or upon a horse used for the conveyance on horseback thereof;
- (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

- (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 at the due rate of speed,

he shall be liable, on conviction, to a fine not exceeding fifty pounds.

49. (1) A person shall not place or attempt to place in or against any post office any fire, match, light, explosive substance, dangerous substance, filth, noxious or deleterious substance, or fluid, and shall not commit a nuisance in or against any post office, and shall not do or attempt to do anything likely to injure the post office or its appurtenances or contents.

Prohibition of placing injurious substances in or against post office.

(2) If any person acts in contravention of this section, he shall be liable, on conviction, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

50. (1) A person shall not without the authority of the Board affix or attempt to affix any placard, advertisement, notice, list, document, board or thing in or on, or paint or tar, any post office or other property belonging to or used by or on behalf of the States for the purposes of this Law, and shall not in any way disfigure any such office or property.

Prohibition of affixing placards, notices, etc. on post office.

(2) If any person acts in contravention of this section, he shall be liable, on conviction, to a fine not exceeding twenty-five pounds.



Prohibition  
of imitation  
of post  
office  
stamps,  
envelopes,  
forms and  
marks.

51. (1) A person shall not without the authority of the Board—

- (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 Board or of any foreign administration, or 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 Her Majesty's Service or on behalf of the States;
- (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 stamp or mark of any post office under the Board or under any foreign administration or 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 Her Majesty's Service or on behalf of the States; or
- (c) issue or send by post or otherwise any envelope, wrapper, card, form or paper so marked.

(2) If any person acts in contravention of this section, he shall be liable, on conviction, to a fine not exceeding fifty pounds.

Prohibition  
of fictitious  
stamps.

52. (1) A person shall not, except for such purposes and subject to such conditions as may be prescribed by the Board—

- (a) make, knowingly utter, deal in or sell 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) A person shall not knowingly use for the purposes of the States Post Office any fictitious stamp.

(3) If any person acts in contravention of the foregoing provisions of this section, he shall be liable, on conviction, to a fine not exceeding fifty pounds.

(4) Any stamp, die, plate, instrument or materials found in the possession of any person in contravention of subsection (1) of this section may be seized and shall be forfeited.

(5) The importation into the Bailiwick—

- (a) of any facsimile, imitation or representation, whether on paper or otherwise, of any stamp for denoting any rate of postage, whether of the Bailiwick or of any country outside the Bailiwick; or
- (b) of any die, plate, instrument or materials for making such a facsimile, imitation or representation;

is hereby prohibited.

(6) In this section the expression “fictitious stamp” means any facsimile, imitation or representation, whether on paper or otherwise, of any stamp for the time being authorised or required to be used for the purposes of the States Post Office or of any stamp for denoting a current rate of postage of any country outside the Bailiwick.

Prohibition  
of false  
notice as to  
reception of  
postal  
packets.

53. (1) A person shall not without the authority of the Board 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 following words, letters or marks, that is to say—

- (a) the words “post 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; 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;

and every person, when required by a notice given by the Board 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 the requirement.

(2) A person shall not without the authority of the Board—

- (a) place or maintain in or on any ship, vehicle, aircraft or premises belonging to him or under his control; or
- (b) use in any document in relation to himself or any other person or in relation to any ship, vehicle, aircraft or premises;

the words “States of Guernsey Mail” or “States of Guernsey Air Mail” or any words, letters or marks which signify or imply or may reasonably lead the public to believe that the ship, vehicle, aircraft or premises is or are used by the States or with their authority for the purpose of collecting or conveying

postal packets or that he or that other person is authorised by the Board to collect or convey such packets; and every person when required by a notice given by the Board to remove or efface or cease to use any such words, letters or marks as aforesaid shall comply with the requirement.

(3) If any person acts in contravention of this section, he shall be liable, on conviction, to a fine not exceeding fifty pounds, and, if the offence is continued after a previous conviction, to a fine not exceeding one pound for every day during which the offence so continues.

54. (1) If any person wilfully obstructs or molests, or incites anyone to obstruct or molest, an officer of the States Post Office in the execution of his duty, or whilst in any post office or within any premises belonging to any post office or used therewith obstructs the course of business of the States Post Office, he shall be liable, on conviction, to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment.

Obstruction  
and  
molestation  
of officers of  
States Post  
Office.

(2) Any officer of the States Post Office may require any person guilty of any offence under this section to leave a post office or any such premises as aforesaid and, if the person so required refuses or fails to comply with the requirement, he shall be liable, on conviction, to a further fine not exceeding twenty pounds, and may be removed by any officer of the States Post Office, and any officer of police shall on demand remove or assist in removing any such person.

Endeavour-  
ing to  
procure the  
commission  
of any  
offence.

55. If any person solicits or endeavours to procure any other person to commit an offence punishable on indictment under this Law, he shall be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding two years or to a fine or to both such imprisonment and such fine.

## PART IX

### *Legal proceedings*

Provisions  
as to form  
of pro-  
ceedings.

56. (1) Without prejudice to the provisions of the Indictments (Guernsey) Law, 1950(b), in any legal proceedings 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 States Post Office or the revenue of the States Post Office, or any mail bag, postal packet or money order, or any chattel, money or valuable security sent by post, or in any way concerning any property under the management or control of the Board, it shall be sufficient to allege the property to belong to the States and to allege any such act or thing to have been done with intent to injure or defraud the States 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) Without prejudice as aforesaid, in any legal proceedings against any officer of the States Post Office for any offence committed against this Law it shall be sufficient to allege that the alleged offender was an officer of the States Post Office at the time of the commission of the offence, without stating further the nature or particulars of his employment.

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(b) Ordres en Conseil Vol. XIV, p. 323.

57. On the prosecution of any offence against this Law, evidence that any article is in the course of transmission by post, or has been accepted on behalf of the Board for transmission by post, shall be sufficient evidence that the article is a postal packet.

Evidence of thing being postal packet.

58. Where any sum not exceeding twenty pounds is due from any officer of the States Post Office or from his sureties in respect of monies received in the discharge of his duty, it may, without prejudice to any other mode of recovery, be recovered summarily as a civil debt due to the States.

Recovery of sums from officers of States Post Office.

## PART X

### *Miscellaneous and General*

59. (1) Subject to the provisions of this section, a packet in the post, anything contained in a packet in the post and a mail bag containing a packet in the post shall have immunity from examination under a power conferred by or under any enactment (whether passed before or after this Law), from seizure or detention under such a power, from seizure under distress or in execution and from retention by virtue of a lien.

Inviolability of mails.

(2) The Board and a person who is engaged in its business shall be entitled to immunity from prosecution for possession of anything contained in a packet in the post, being a thing whose possession is prohibited by or under any enactment (whether passed before or after this Law), and for failure to comply, as respects anything contained in a packet in the post, with any condition or restriction imposed by or under any enactment (whether passed before or after this Law) with respect to its possession, carriage or delivery.

(3) Subsection (1) of this section does not apply to a power conferred by an enactment for the time being in force relating to taxes, duties and impôts in its application, by virtue of section twenty-four of this Law or any Ordinance made under that section, or any order made under that section, to goods contained in postal packets, to the powers conferred by subsection (2) of section sixteen (conditions of transit of postal packets), or to the powers conferred by sections twenty-five (detention of postal packets containing contraband) and thirty-five (search and seizure of postal packets by States Revenue Officers) of this Law.

(4) Subsection (1) of this section shall not apply to the opening, detaining or delaying of a packet in the post by virtue of an express authority in writing by Her Majesty's Procureur.

Obligation  
of secrecy.

60. (1) Information obtained by a person in the course of the provision for another, by virtue of Part III of this Law, of data processing services or services connected therewith shall not, without the consent of that other, be disclosed by the first mentioned person except for the purpose of performing his duties in relation to those services or in such cases as may be required by law.

(2) A person who discloses information in contravention of the foregoing subsection shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;
- (b) on summary conviction, to a fine not exceeding four hundred pounds.

61. In any proceedings instituted by or against the States to which the rate at which a charge was levied at any time, in respect of a service, by an authority outside the Bailiwick is material, a certificate of the Board that the charge was levied at that rate at that time in respect of that service by that authority shall be conclusive evidence of that fact.

Docu-  
mentary  
evidence as  
to sums due  
for services.

62. (1) Where, in the Bailiwick, a money or postal order issued by the Board is presented for payment by a banker to whom it has been delivered for collection, payment of it to him discharges it.

Provisions  
as to money  
and postal  
orders.

(2) Where, in the Bailiwick—

- (a) an uncrossed money or postal order issued by the Board, being an order expressed to be payable to a person specified or described therein and being, or purporting to be, signed by him or on his 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 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 or postal order issued by the Board is discharged by the payment thereof outside the Bailiwick in accordance with arrangements in that behalf made by the Board.

(4) Where a money or postal order issued by a foreign administration is paid by the Board 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 States 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 or postal order issued by a foreign administration, being an order expressed to be payable to a person specified or described therein and purporting to be signed by him or on his 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 Board 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 Board to the person presenting it shall not render the States liable to the true owner of the order.

(6) No proceedings shall lie against the States for loss or damage due to refusal by it to pay, or delay by it in paying, a money or postal order issued by it or a foreign administration.

(7) References in this section (except that in subsection (3)) to a money order issued by the Board shall be construed as including references to an order issued by it in pursuance of such an arrangement as is mentioned in section thirty-three of this Law (arrangements with other countries as to transmission of small sums through post offices), being an order which is for the payment of money in the Bailiwick and corresponds to a money order issued by the Board.

Recoupment  
of losses on  
money  
orders  
wrongly  
paid to  
bankers.

63. (1) Where, after payment by the Board to a banker to whom it has been delivered for collection of a money order issued by the Board or a foreign 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 Board to that

banker by way of payment of money orders so issued that have been delivered to him for collection.

(2) References in this section to a money order issued by the Board shall be construed as including references to an order issued by it in pursuance of such an arrangement as is mentioned in section thirty-three of this Law being an order which is for the payment of money in the Bailiwick and corresponds to a money order issued by the Board.

64. (1) References in sections sixty-two and sixty-three of this Law to a money order issued by the Board shall include references to—

Transitional provisions as to money and postal orders.

- (a) a money order issued by the Postmaster General but not paid before the day appointed in pursuance of the provisions of section seventy-three of this Law; and
- (b) an order issued by the Postmaster General in pursuance of such an arrangement as is mentioned in section twenty-four of the Post Office Act 1953 (as in force in the Bailiwick immediately before the day appointed in pursuance of the provisions of section seventy-three of this Law) but not so paid being an order which is for the payment of money in the Bailiwick and corresponds to a money order issued by the Postmaster General

and the reference in the said section sixty-three to payment by the Board shall include a reference to payment by the Postmaster General.

(2) References in section sixty-two of this Law to a postal order issued by the Board shall include references to a postal order issued by the Postmaster

General but not paid before the day appointed in pursuance of the provisions of section seventy-three of this Law.

Provision as  
to post  
office letter  
boxes.

65. (1) Where it appears to the Board that any post office letter box, by reason of being on the premises of any private person or otherwise, is so situated as not to afford the same security against the improper removal of postal packets therefrom or other fraud as exists in the case of other post office letter boxes, the Board may declare that that post office letter box shall be a private posting box, and shall affix upon or near the box a notice of its being and of the effect of its being a private posting box, and a postal packet put into that box shall not, for the purposes of any enactment, law or contract whereby the due posting of a postal packet is evidence of the receipt thereof by the addressee, be deemed to have been duly posted.

(2) A certificate purporting to be signed by the Board or on its behalf by an officer of the States duly authorised by or under section sixty-nine of this Law to the effect that any box or receptacle is or was provided by the permission or under the authority of the Board for the purpose of receiving postal packets or any class of postal packets, shall in any legal proceedings be sufficient proof of the facts stated in the certificate unless the contrary is shown.

Surrender of  
clothing by  
an officer of  
States  
Post Office  
on ceasing  
to be  
officer.

66. (1) Where an officer of the States Post Office vacates his office (whether by reason of dismissal, resignation, death or otherwise) he, or if he is dead his legal personal representatives, shall deliver to the Board all articles (whether uniform, accoutrements, appointments or other necessities) which have been

issued to the officer vacating his office for the execution of his duty and are not the property of that officer, and shall deliver the articles in good order and condition, fair wear and tear only excepted.

(2) If any person fails to comply with the provisions of this section he shall be liable, on conviction, to a fine not exceeding twenty-five pounds and also to pay such further sum not exceeding twenty-five pounds 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.

67. All expenses incurred by the Board in the execution of this Law or otherwise in the management of the States Post Office shall be paid out of moneys provided by the States.

States Post  
Office  
expenses.

68. (1) Any power conferred by this Law to make an Ordinance or order may be exercised from time to time and may be exercised—

General  
provisions  
as to  
Ordinances  
and orders.

(a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases; and

(b) so as to make, as respects the cases in relation to which it is exercised—

(i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);

(ii) the same provision for all cases in relation to which the power is exercised or different provision for different cases or classes of cases or different provision as respects the same case or class of case for different purposes of this Law;

- (iii) any such provision either unconditionally or subject to any specified condition.

(2) Without prejudice to any specific provision in this Law, any Ordinance or order under this Law may contain such incidental or supplementary provisions as appear to the States or the Board, as the case may be, to be expedient for the purposes of the Ordinance or order.

(3) Any power conferred by this Law to make an Ordinance or order shall include power to vary or revoke any Ordinance or order so made by a subsequent Ordinance or order, as the case may be.

Exercise of  
powers on  
behalf of  
Board.

69. (1) Any instrument or document required or authorised to be executed or signed by the Board may be executed or signed on its behalf by such officers of the States Post Office (whether described by name or by reference to their rank or office or class of office) as may be prescribed by the Board, either generally or as respects any class of instruments or documents, or as may be directed by the Board as respects any particular instrument or document.

(2) Any instrument or document purporting to be executed or signed by an officer of the States Post Office shall, until the contrary is proved, be deemed to have been duly executed or signed, without proof of the authority or official character of the person purporting to have executed or signed it.

Validity of  
existing  
stamps.

70. Stamps current immediately before the coming into force of this Law for denoting duties of postage shall be deemed for all purposes to be postage stamps.

71. (1) In this Law, except where the context otherwise requires, the following expressions have the following meanings respectively:—

Interpreta-  
tion.

“accounting year” means the period beginning with the appointed day and ending with 31st December of the year next following or any subsequent period of twelve months beginning with the end of a previous accounting year;

“the Bailiwick” means the Bailiwick of Guernsey;

“banker” includes a body of persons, whether incorporated or not, who carry on the business of banking;

“cash on delivery service” means a service whereby the Board or a foreign 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;

“the Director” means the States Director of Postal Services;

“foreign administration” means a postal administration other than the Board;

“foreign”, in relation to any postal packet, means either posted in the Bailiwick and sent to a place outside the Bailiwick, or posted in a place outside the Bailiwick and sent to a place within the Bailiwick, or in transit through the Bailiwick to a place outside the Bailiwick;

“the Head Post Office” means the general post office established by the Board under and for the purposes of this Law;

“Her Majesty’s Procureur” includes Her Majesty’s Comptroller;

“inland”, in relation to any postal packet or any description thereof, means posted within the Bailiwick and addressed to some place therein, and “inland postage” means the postage chargeable on an inland postal packet;

“local authority”—

(a) in relation to England and Wales, means the council of a county, county borough or county district, the Greater London Council, the council of a London borough or the Common Council of the City of London;

(b) in relation to Scotland, means a county council or a town council;

(c) in relation to Northern Ireland, means the council of a county, county borough or county district or a joint board constituted under the Public Health Acts (Northern Ireland) 1878 to 1966 or subsection (1) of section seven of the Water Supplies and Sewerage Act (Northern Ireland) 1945;

“mail” includes every conveyance by which postal packets are carried, whether it be a ship, aircraft, vehicle, horse or any other conveyance, and also a person employed in conveying or delivering postal packets;

“mail bag” includes any container in which articles are enclosed by the Board or a foreign administration for the purpose of the conveyance thereof;

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

“national health service authority”—

- (a) in relation to England and Wales, means a regional hospital board, board of governors of a teaching hospital or hospital management committee established under Part II of the National Health Service Act 1946 or an executive council established under section thirty-one of that Act;
- (b) in relation to Scotland, means a regional hospital board or board of management established under Part II of the National Health Service (Scotland) Act 1947 or an executive council established under section thirty-two of that Act;
- (c) in relation to Northern Ireland, means the Northern Ireland General Health Services Board, the Northern Ireland Hospitals Authority, a hospital management committee established under Part III of the Health Services Act (Northern Ireland) 1948 or a special care management committee established under Part I of the Mental Health Act (Northern Ireland) 1961;

“officer of the States Post Office” means any officer, agent or servant for the time being appointed under and for the purposes of this Law and includes the States Director of Postal Services;

“officer of police” means—

- (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;



(b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney; and

(c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of Guernsey;

“parcel” means any postal packet prescribed as a parcel by the Board under this Law;

“postage” means the duty chargeable for the transmission of postal packets;

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

“post office” includes any house, building, room, vehicle or place used for the purposes of the States Post Office, and any post office letter box;

“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 Board for the purpose of receiving postal packets, or any class of postal packets, for transmission by or under the authority of the Board;

“prescribe” means prescribe by order and the expression “prescribed” shall be construed accordingly;

“public service vehicle” means a public service vehicle within the meaning of the Public Transport Licensing (Guernsey) Law, 1964(c);

- “ship” includes any boat or vessel whatsoever;
- “stamps” means stamps issued by the States under and for the purposes of this Law;
- “States” means the States of Guernsey;
- “the Post Office” means the authority established by section six of the Post Office Act 1969;
- “the States Post Office” means so much of the administration and establishment of the States as is concerned with the operation of this Law;
- “the purposes of the States Post Office” includes any purpose relating to or in connection with the execution of any duties for the time being undertaken by the Board or any of its officers;
- “valuable security” has the same meaning as in the Larceny (Guernsey) Law, 1958, and includes anything which is a valuable security within the meaning of that Law and any part of such a thing.

(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 delivered to any post office to the time of its being delivered to the addressee;
- (b) the delivery of a postal packet of any description to a letter carrier or other person authorised to receive postal packets of that description for the post or to an officer of the States Post Office to be dealt with in the course of his duty shall be a delivery to a post office;
- (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 authorised to receive the packet, shall be a delivery to the addressee.

(3) Any reference in this Law to data processing shall be construed as including a reference to the storage and retrieval of information.

(4) Except in so far as the context otherwise requires, any reference in this Law to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Law.

(5) The Interpretation (Guernsey) Law, 1948(d), shall apply to the interpretation of this Law throughout the Bailiwick.

**Citation.**

72. This Law may be cited as the Post Office (Guernsey) Law, 1969.

**Commencement.**

73. This Law shall come into force on such day as shall be appointed in that behalf by the States by Ordinance:

Provided that any powers conferred by this Law on the States to make any Ordinance may be exercised at any time after the registration of this Law and before the day appointed or to be appointed as aforesaid, subject to the restriction that any such Ordinance shall not come into force until this Law comes into force.

R. H. VIDELO,

Her Majesty's Greffier.

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(d) Ordres en Conseil Vol. XIII, p. 355.