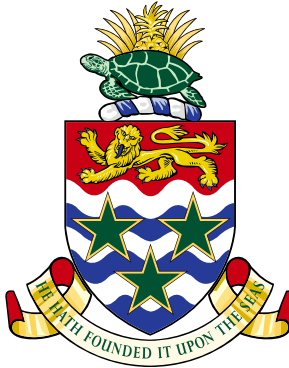


CAYMAN ISLANDS



POSTAL LAW

(1997 Revision)

Supplement No.1 published with Gazette No. 4 of 17th February, 1997.

PUBLISHING DETAILS

Consolidated with Laws 17 of 1983 and 17 of 1990 (part) and with the Interpretation (No.2) Order, 1982.

Originally enacted —

Law 25 of 1977-5th December, 1977

Law 17 of 1983-18th July, 1983

Law 17 of 1990-4th September, 1990.

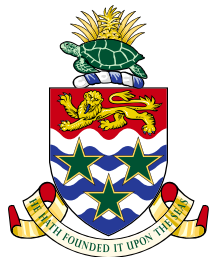
Originally made-

Order, 1992-8th December, 1992

Consolidated and revised this 7th day of January, 1997.



CAYMAN ISLANDS



POSTAL LAW
(1997 Revision)

Arrangement of Sections

Section	Page
1. Short title	5
2. Definitions and interpretation	5
3. Establishment of the Post Office	7
4. Appointment of Postmaster General	7
5. Duties of Postmaster General	7
6. Officers	7
7. Duties of officers	7
8. The business of the Post Office	7
9. Exclusive privilege of the Post Office	8
10. Power of Governor to enter into agreements	8
11. Charges by the Post Office	8
12. Provision, custody and issue of postage and revenue stamps	8
13. Post Office franking machines and other impressions	8
14. Stamp vendors	8
15. Exemption of Government from certain postal charges	9
16. Payment for packages delivered for transmission	9
17. Customs inspection	9
18. Officers may open certain foreign packages	9
19. Rates of charges	9
20. Reception of postal packages by masters of vessels for delivery at destination	9
21. Delivery of postal packages by masters	9
22. Procedure in the event of quarantine	10
23. Payment to masters, etc., of vessels conveying postal packages	10
24. Regulations	10
25. Offences	11



26.	Penalties.....	12
27.	Special provisions as to evidence	12
28.	Publication on notice board in Post Office to be notice to the public.....	13
29.	Conditions of delivery of postal packages to the Post Office	13
30.	Evidence as to indebtedness to the Post Office	13
31.	Law not to derogate from Law 17 of 1990]	14
32.	Accounting for Post Office funds.....	14



CAYMAN ISLANDS



POSTAL LAW

(1997 Revision)

Short title

1. This Law may be cited as the *Postal Law (1997 Revision)*.

Definitions and interpretation

2. (1) In this Law —

“**addressee**” means the person to whom any postal package is addressed;

“**Convention**” means the Convention and detailed Regulations and Parcel Post Agreement made by the Congress of the Universal Postal Union at Lausanne in 1974, as amended;

“**customs**” has the meaning ascribed to it in the *Customs Law, 1990 [Law 17 of 1990]*;

“**fictitious postage stamp**” means any facsimile, imitation or representation of any postage stamp issued without the authority of a postal administration;

“**Governor**” means the Governor in Council;

“**inland post**” has reference to postal packages posted within the Islands for delivery within the Islands;

“**mail**” includes every form of conveyance in which postal packages are carried as well as any person carrying such packages;



“**mail bag**” includes every form of container in which postal packages are carried in the course of transmission by the Post Office whether or not it contains such packages;

“**master**” in relation to a vessel, means the person having or taking command or charge of such vessel;

“**money order**” includes a postal order;

“**officer**” means a person appointed under section 6 to be an officer of the Post Office;

“**parcel**” means any package being conveyed or intended to be conveyed by prescribed parcel post;

“**Post Office**” means the department of the Government established under section 3 and includes any building, room or place where the business of the Post Office is conducted;

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

“**postal administration**” includes the Post Office and any other establishment performing equivalent or similar services outside the Islands;

“**post office franking machine**” means a mechanical device, approved by the Postmaster General, whereby advance payments of post office revenue may be recorded and thereafter be recoverable piecemeal by the franking for postage purposes of packages or documents at the convenience of the person having custody of it;

“**postal package**” includes every kind of article being or intended to be lawfully transmitted by mail through the Post Office;

“**post-box**” includes every receptacle provided by or under the authority of the Postmaster General for receiving postal packages for transmission by the Post office;

“**Postmaster General**” means the officer appointed by the Governor under section 4 to have charge of the Post Office, and includes any officer acting under his authority;

“**private bag**” and “**private box**” mean a receptacle provided exclusively for the reception or delivery of postal packages on behalf of the renter of such bag or box;

“**vessel**” means any thing or device capable of being used for conveyance of postal packages from one place to another; and

“**voyage**” includes flight and journey.

- (2) A postal package is deemed to be in the course of transmission by post from the time of its being delivered to any postal administration or to any officer receiving it in the course of his duty under this Law; and the delivery of a postal package at the premises to which it is addressed or readdressed, or to the



addressee's servant or agent or to some other person reasonably believed by the person making delivery to be authorised to receive it, or into a private bag or box to which it is addressed, is deemed to be delivery to the addressee.

Establishment of the Post Office

3. There is established a department of Government called the Post Office which shall be maintained by such moneys as may, from time to time, be voted by the Legislative Assembly.

Appointment of Postmaster General

4. The Governor shall appoint a suitable person to be the officer in control of the Post Office who shall be called the Postmaster General.

Duties of Postmaster General

5. The Postmaster General is responsible for —
 - (a) the management, supervision and control of the Post Office;
 - (b) the administration and implementation of this Law;
 - (c) the collection of Post Office revenue and accounting for the same; and
 - (d) the care of public and other property under Post Office control, but without having to account for the loss thereof, unless loss is due to his own personal default.

Officers

6. The Governor shall appoint such persons on a temporary or permanent basis to be officers of the Post Office upon special contractual terms or such general terms as he may, by regulation, determine.

Duties of officers

7. Officers shall carry out and conform to the lawful commands of the Postmaster General, perform the sundry duties prescribed and do such other things as may be necessary for the carrying out and enforcement of this Law.

The business of the Post Office

8. The business of the Post Office is —
 - (a) the reception, transmission and delivery of postal packages;
 - (b) the issue and encashment of money orders;
 - (c) all things incidental and desirable to the performance of (a) and (b); and
 - (d) the performance of such other duties as may be prescribed.

Exclusive privilege of the Post Office

9. No person may carry on or attempt to carry on any business of a like or similar nature to that of the Post Office unless specifically authorised in that behalf by any law; but nothing in this section prohibits a common carrier from carrying on his ordinary business of the conveyance of goods and merchandise.

Power of Governor to enter into agreements

10. The Governor may enter into contracts with foreign governments or postal administrations within the ambit of the Convention for the collection, conveyance and delivery of postal packages in any part of the world and for the exchange of money orders.

Charges by the Post Office

11. The Post Office shall make charges for its services at such rates and in such manner as may be prescribed.

Provision, custody and issue of postage and revenue stamps

12. The Governor shall, from time to time, cause to be provided adhesive and other postage and revenue stamps expressing and denoting the various rates of postage and duty and such stamps shall, subject to section 14, be kept in the custody of and issued to the public by the Post Office.

Post Office franking machines and other impressions

13. The Postmaster General may, subject to such conditions as he may impose, authorise prepayment of —
- (a) postage by means of Post Office franking machines, or by impressions made by printing press or other printing or stamping process; and
 - (b) revenue charges by means of Post Office franking machines.

Stamp vendors

14. The Postmaster General may authorise the issue of stamps to the public through the medium of stamp vendors upon such conditions as he may impose and may issue stamps to such stamp vendors in undivided sheets to a value of not less than one hundred dollars per issue at a discount not exceeding five per cent:

Provided that stamp vendors shall —

- (a) be holders of a retailer's licence under the *Trade and Business Licensing Law (1995 Revision)*;
- (b) not themselves sell stamps at a discount;
- (c) provide a reasonable service to the public;
- (d) pay in cash for all stamps purchased by them from the Post Office; and



- (e) be officers for the purpose only of issuing stamps to the public.

Exemption of Government from certain postal charges

15. Postal packages transmitted by the Governor or by any department of the Government by inland post are exempt from postage charges if marked with the words “On Her Majesty’s Service” and initialled for identification by the officer of the Government transmitting the same.

Payment for packages delivered for transmission

16. Postal packages delivered to the Post Office for transmission shall, unless they are exempt from postage charge under section 15 or bear evidence of the correct postage charge having been prepaid through a post office franking machine, be stamped by the sender with stamps to the value of the prescribed postage charge for such transmission.

Customs inspection

17. Postal packages received by the Post Office from outside the Islands shall be made available for inspection by customs.

Officers may open certain foreign packages

18. Officers shall, if so requested by customs, open and reseal, in the presence of customs, postal packages subject to customs inspection.

Rates of charges

19. Rates of charges for postal services are those in force under regulations.

Reception of postal packages by masters of vessels for delivery at destination

20. Masters of vessels leaving any of the Islands for a destination outside such island must receive on board every mail bag tendered to them by an officer for conveyance to such destination and, having received the same, deliver it without delay to the addressee at such destination.

Delivery of postal packages by masters

21. Masters of vessels arriving at one of the Islands from a destination outside such island shall, without delay and before breaking bulk for any other purpose, deliver to the Postmaster General all postal packages on board addressed to the Post Office and, for the purpose of this section, every postal package addressed to any person in the Islands is deemed to be addressed to the Post Office.



Procedure in the event of quarantine

- 22.** Where the master of a vessel affected by section 21 is liable to the performance of quarantine he shall, instead of delivering the postal packages to the Postmaster General, deliver the same to the quarantine officer on duty who shall, after any necessary precaution, deliver it to the Postmaster General.

Payment to masters, etc., of vessels conveying postal packages

- 23.** Subject to compliance with the rates prescribed by the Convention as agreed with the International Air Traffic Authority from time to time, the Governor may determine the amount to be paid to masters, owners or agents of vessels for the conveyance of postal packages and may withhold such payment until receipt by the Postmaster General of a certificate from the postal administration of destination that such packages have been duly received.

Regulations

- 24.** The Governor may make regulations prescribing —
- (a) locations and designations of postal and money order offices;
 - (b) the internal management of the Post Office;
 - (c) opening hours of Post Offices;
 - (d) times for the postage and collection of postal packages;
 - (e) methods of posting and delivering postal packages;
 - (f) parcel post regulations;
 - (g) what may and may not be transmitted through the Post Office;
 - (h) dimensions and classifications of postal packages;
 - (i) conditions of registration and insurance of postal packages;
 - (j) redirection of postal packages;
 - (k) disposal of unclaimed postal packages;
 - (l) customs clearance of postal packages;
 - (m) the acceptance of unaddressed mail;
 - (n) the mode of sale of postage and revenue stamps;
 - (o) the mode of issue and encashment of money orders;
 - (p) compensation for loss of postal packages in course of post;
 - (q) withdrawal of any issue of postage or revenue stamps;
 - (r) for compliance with the Convention and other international agreements;
 - (s) conditions of employment of officers; and
 - (t) anything required or authorised to be prescribed by this Law.



Offences**25. Whoever —**

- (a) carries on any business contrary to section 9;
- (b) evades any Post Office charge;
- (c) sells any postage stamp at a discount otherwise than by virtue of section 14;
- (d) evades any customs charge or process in respect of any postal package imported into or exported from the Islands;
- (e) steals any postal package;
- (f) wilfully obstructs or delays the business of the Post Office or any officer acting in the course of his duty under this Law;
- (g) sends through the post any explosive, dangerous, noxious, offensive, libellous or threatening matter;
- (h) forges any Post Office stamp, die or document or has in his possession any fictitious stamp or anything prepared for the purpose of the production of any fictitious stamp;
- (i) places any explosive, dangerous, noxious or offensive substance in, against or adjacent to any property under Post Office control;
- (j) has upon any premises or thing under his actual or constructive possession or control anything calculated falsely to represent that such premises or thing is under the control of or is authorised by the Post Office;
- (k) without Post Office authorisation, affixes any advertisement or other matter or thing to any premises or property under Post Office control or in Post Office possession;
- (l) disfigures or obliterates any Post Office notice affixed for the information of the public;
- (m) fails to comply with any order or direction given by an officer acting in the course of his duty under this Law;
- (n) without lawful excuse, interferes with any postal package coming into his hands prior to its receipt by the addressee;
- (o) being the master of a vessel —
 - (i) refuses to receive on board any mail bag tendered to him under section 20;
 - (ii) fails to account for any mail bag entrusted to him under section 20;
 - (iii) breaks bulk contrary to section 21;
 - (iv) fails to deliver any postal package contrary to section 21;
 - (v) fails to comply with section 22; or



- (vi) unlawfully breaks the seal of or opens any postal package entrusted to his care;
- (p) being an officer —
 - (i) wrongfully retains, secretes or delays the delivery or normal processing of any postal package;
 - (ii) unlawfully permits any unauthorised person to be present in or on any part of any premises, vessel or vehicle under the control of the Post Office for the purpose of dealing with or conveying postal packages;
 - (iii) gives information with reference to any offence committed or appearing to have been committed contrary to this Law, in the truth of which he does not believe; or
 - (iv) fails to comply with any lawful order or direction of the Postmaster General or any regulation, or

attempts or does anything preparatory to, aids, abets or causes or suffers any person or persons to commit any of the above things is guilty of an offence, but nothing done by the master of a vessel *bona fide* for the safety of such vessel constitutes an offence.

Penalties

26. Whoever is guilty of an offence under —

- (a) sub-paragraph (iv) of paragraph (p) of section 25 is liable —
 - (i) to a departmental fine of one hundred dollars; or
 - (ii) subject to the confirmation of the Governor, to be dismissed from the service of the Post Office;
- (b) paragraphs (f), (g), (h) or (i) of section 25 is liable —
 - (i) on conviction on indictment, to a fine and to imprisonment for ten years; or
 - (ii) on summary conviction to a fine of five hundred dollars and to imprisonment for two years; and
- (c) any other provision of section 25 is liable on summary conviction to a fine of five hundred dollars and to imprisonment for two years.

Special provisions as to evidence

27. For the purposes of section 25 —

- (a) every postal package and the contents of every postal package are deemed to be articles of value and to be the property of the Postmaster General;



- (b) a statement in any indictment or charge that an accused person was an officer at the time of the offence alleged is conclusive evidence that such person was an officer; and
- (c) in any proceedings against a master of a vessel, the court has the same power to issue a commission or commissions for taking evidence outside the jurisdiction as it has in civil cases and on such commission being returned and read in evidence it is, subject to all just exceptions, allowable in evidence if, at the time it is so allowed, the relevant addressee or witness is dead or out of the jurisdiction of the court.

Publication on notice board in Post Office to be notice to the public

- 28.** The publication on a notice board open to inspection by the public in any Post Office of any regulation, rule, warrant or order made in pursuance of or under the authority of this Law is sufficient notice thereof to the public.

Conditions of delivery of postal packages to the Post Office

- 29.** Packages delivered to the Post Office are deemed to be so delivered under the following conditions —
- (a) that the registration or giving of a receipt therefor does not render the Post Office liable for the loss of such packages or of the contents thereof;
 - (b) that if such packages are posted in contravention of this Law transmission thereof may be refused and such packages may be dealt with at the discretion of the Postmaster General; and
 - (c) the decision of the Postmaster General as to whether any such packages are postal packages is final and binding upon all persons making any civil claim thereto.

Evidence as to indebtedness to the Post Office

- 30.** Until the contrary is proved —
- (a) the official mark of any postal administration on any postal package is sufficient proof of the liability in respect of such package of the sum so marked;
 - (b) in any proceedings for the recovery of any sum due to or from the Post Office the production of the relevant postal package or part thereof having any stamp or endorsement of a postal administration that such package has been refused, rejected or left unclaimed or has been unable to be delivered is sufficient proof of the fact so indicated;
 - (c) a certificate purporting to be signed by the Postmaster General that any mark, endorsement or stamp on any postal package is that of a postal administration is sufficient proof of the fact; and

- (d) a person from whom a postal package has been received is deemed to be the sender thereof.

Law not to derogate from Law 17 of 1990

31. Nothing in this Law derogates from any provision of the *Customs Law, 1990* or from the authority of any officer of customs under that law.

Accounting for Post Office funds

32. The Postmaster General shall account to the Treasury for all sums received by the Post Office.

**Publication in consolidated and revised form authorised by the Governor in Council
this 7th day of January, 1997.**

Carmena H. Parsons
Clerk of Executive Council

