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**CHAPTER 335****THE POST OFFICE ACT**

## Arrangement of Sections

## Section

1. Short title.
2. Interpretation.

**PART I***Establishment and Administration*

3. Postal administration vested in the Cabinet.
4. Establishment of post offices.
5. Payment of expenses of postal administration.
6. Payments to be included in expenses of postal administration.
7. Powers under this Act to be in addition to and not in contravention of certain laws.

**PART II***Conventions, etc.*

8. Governor-General may enter into postal arrangements or agreements.
9. Cabinet may make arrangements for reply post cards.
10. Regulations for reply post cards.

**PART III***Conduct of Business*

11. Postage to be paid by stamps.
12. Postage and fees may be paid by impressions of Franking Machines.
13. Postal administration to have exclusive right of conveying letters, with certain exceptions.

14. Cabinet to make rules for the granting of compensation for loss or damage of parcels carried by post.
15. Articles prohibited to be posted.
16. Application of customs enactments to parcels sent by post.
17. Recovery of unpaid postage.
18. Liability of sender and addressee for unpaid postage.
19. Provisions for recovery of unpaid postage from sender.
20. Who to be deemed the sender of an unpaid letter.
21. Post office stamp to be evidence of refusal, etc., of letters.
22. Letters of soldiers and sailors exempt from inland postage.
23. Cabinet to decide questions as to postal packets.

## PART IV

*Miscellaneous*

24. Postmasters etc., exempt from service on juries.
25. Police to assist in postal service.
26. Cabinet may compound actions, etc., for penalties under this Act.
27. Exemption from stamp duty.
28. Regulations etc., to be laid before Parliament.

FIRST SCHEDULE.

SECOND SCHEDULE.

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## POST OFFICE

1/1884.

911887.

9/1909.

1911922.

811927.

1111927.

11/1939.

2111955.

S.R.O. 2211956.

14/1972.

1811989.

(1st November, 1909.)

1. This Act may be cited as the Post Office Act. Short title.
2. In this Act— Interpretation.
- "postal packet" means a letter, postcard, newspaper, book-packet, pattern, or sample packet, circular, legal and commercial document, packet of photographs, and every packet or article which is not for the time being prohibited by or in pursuance of this Act or any other law from being sent by post. Every postal packet shall be deemed to be a post letter within the meaning of the Post Office Offences Act. Cap. 336.
- "foreign postal packets" means postal packets either posted in Antigua and Barbuda and sent to a place out of Antigua and Barbuda, or posted out of Antigua and Barbuda and sent to a place in Antigua and Barbuda.
- "inland postal packets" means postal packets posted within Antigua and Barbuda and sent to some place within Antigua and Barbuda.
- "parcel" means all such postal packets as by the regulations of the postal administration of Antigua and Barbuda are defined to be parcels.
- "reply post card" means a post card of such a character that the person receiving the same may, without further payment again transmit the same, or a part thereof, through the post.

## PART I

*Establishment and Administration*

Postal administration vested in the Cabinet.

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

Establishment of post offices.

**4.** The Cabinet may make rules to provide for the establishment, disestablishment, management, control of, and the regulation of business in, general post offices, branch post offices and sub-post offices, for the receipt and transmission of mails, from and to places without and within the limits of Antigua and Barbuda, and such rules shall on publication in the *Gazette* have the same effect as if enacted in this Act.

Payment of expenses of postal administration.

**5.** The expenses of the postal administration in Antigua and Barbuda shall be defrayed out of the general revenue of Antigua and Barbuda.

Payments to be included in expenses of postal administration.

**6.** The expenses of the postal administration shall include the contributions to the West India Mail Service, the carriage and transit charges on mails despatched, the collection of postal revenue due to the post office or any Commonwealth, colonial or foreign post office under postal regulations or conventions for the time being in force. the salaries of postmasters, sub-postmasters, clerks, postmen, and servants, the commissions paid for sales of stamps, the rent of offices for the postal service, the cost of stationery, and all other expenses incidental to the efficient conduct of the postal administration of Antigua and Barbuda.

**7.** The powers given to the postal administration of Antigua and Barbuda by this Act and all other the provisions of this Act are intended to be in addition to and not in contravention of any law so far as the same extend or shall extend to Antigua and Barbuda, and the postal administration of Antigua and Barbuda established by this Act shall in all respects conform to the rules and regulations regarding postal matters made under the provisions of the aforesaid law in so far as aforesaid in the same manner and to the same extent as the postal authorities heretofore established in Antigua and Barbuda have been thereunto accustomed and required by law.

Powers under this Act to be in addition to and not in contravention of certain laws. of

## PART II

### *Conventions, etc.*

**8.** It shall be lawful for the Governor-General at any time to enter into any convention, arrangements, or agreements with respect to the postal administration of Antigua and Barbuda when such arrangements or agreements are, in the opinion of the Cabinet, necessary or advisable, and from time to time with the advice of the Cabinet to alter, amend, or rescind the same.

Governor-General may enter into postal arrangements or agreements.

**9.** It shall be lawful for the Cabinet to come to mutual arrangements, on behalf of Antigua and Barbuda, with the postal authorities of the United Kingdom and of the countries specified in the First Schedule, for the adoption of post cards with paid replies, and, in pursuance of such arrangements, to cause to be issued reply post cards, and to fix a rate of postage for such reply post cards, not exceeding double the rate charged for an ordinary post card.

Cabinet may make arrangements for reply post cards. First Schedule.

**10.** It shall be lawful for the Cabinet to frame and issue such regulations to the post offices as shall insure that reply post cards shall be delivered free of charge at their first address, and that the portion for reply, when detached and posted, shall be entitled equally to free transmission from Antigua and Barbuda to England after the stamp has been obliterated in the usual manner at the Post Office, and further that free currency shall be given, through the several post offices of Antigua and Barbuda, to any reply cards originating in the United Kingdom, or in any of the countries mentioned in the First Schedule, the postal authorities

Regulations for reply post cards.

First Schedule.

of which are willing to grant like privileges to reply cards originating in Antigua and Barbuda.

## PART III

*Conduct & Business*

Postage to be paid by stamps.

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

Postage and fees may be paid by impressions of Franking Machines.

Second Schedule.

**12.** (1) Notwithstanding the provisions of section 11 the rates of postage and fees payable under the authority of this Act may be prepaid by impressions made by a Franking (Postage Meter) Machine used under a licence issued by the Postmaster as set out in the Second Schedule hereto.

(2) The licensee of a Franking (Postage Meter) Machine shall be responsible for the purchase of the machine from the manufacturer and for suitable dies to be used in the machine.

(3) The licensee of a Franking (Postage Meter) Machine shall pay into the Consolidated Fund as a licence fee such sum as the Minister responsible for postal services may by regulations prescribe.

(4) Any regulations made under subsection (3) shall be subject to negative resolution of Parliament.

**13.** (1) Within the limits and along the coasts of Antigua and Barbuda the postal administration shall have the exclusive privilege of conveying from one place to another within Antigua and Barbuda all letters except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters within Antigua and Barbuda, and all letters going to or coming from parts beyond Antigua and Barbuda, except in the following cases—

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

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

(b) Letters sent by a messenger on purpose concerning the private affairs of the sender or receiver thereof.

(c) Commissions or returns thereof, and affidavits and writs, process or proceedings or returns thereof, issuing out of a Court of Justice.

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

But nothing herein contained shall authorise any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorised.

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

(a) Common known carriers, their servants or agents, except a letter concerning goods in their boats, carts, or waggons, and

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

**14.** (1) The Cabinet may make rules for the granting of compensation, in such cases and subject to such conditions as they shall think fit, for loss or damage of parcels carried by the post, and may, from time to time, make arrangements for the payment of such compensation as is

Cabinet to make rules for the granting of compensation for loss or damage of parcels carried by post.

allowed by such rules in the case of parcels exchanged between the United Kingdom, or any other country, and Antigua and Barbuda.

Provided that—

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

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

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

Articles prohibited to be posted.

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

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

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

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

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

(2) The Cabinet may make such regulations as they may think fit for preventing the sending or delivery by post of the aforesaid things.

Application of customs enactments to parcels sent by post.

**16.** (1) Subject to any regulations made under this section the provisions of the Acts for the time being in force in Antigua and Barbuda relating to customs, in this Act referred to as customs enactments, shall apply to goods contained in foreign parcels in like manner so far as is consistent with the tenor thereof as they apply to any other goods, and persons may be punished for offences against the said enactments, and goods may be examined, seized, and



forfeited, and the officers seizing and examining them shall be protected, and legal proceedings in relation to the matters aforesaid may be taken accordingly under the said enactments.

(2) The Cabinet may, on the recommendation of the Comptroller of Customs, from time to time make and when made revoke and vary regulations for the purpose of modifying or excepting the application of any of the customs enactments to foreign and postal packets for the purpose of securing in the case of such postal packets the observance of the customs enactments and for enabling the officers of the postal administration to perform for the purposes of those enactments or otherwise all or any of the duties of the importer and exporter, and for carrying into effect any arrangement with the United Kingdom Treasury or the Government of any British possession with reference to foreign parcels, and for punishing any contravention of the customs enactments or of the regulations under this section.

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

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

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

Recovery of unpaid postage.

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

Liability of sender and addressee for unpaid postage.

the party to whom it is addressed shall be dead or cannot be found the writer or sender shall pay the postage.

Provisions for recovery of unpaid postage from sender.

**19.** In all cases in which the postage of any unstamped postal packet shall not have been paid by the sender thereof and the party to whom such letter shall be addressed shall upon receiving the same and paying the postage thereof be desirous to reject such postal packet and to compel the sender thereof to pay such postage it shall be lawful for any postmaster, upon the application of the party to whom the postal packet shall be addressed and under such regulations as the Governor-General shall think fit, to charge the postage thereof to the sender of such postal packet and also the additional postage of returning the same to him, and in every such case the sender of such postal packet shall pay the postage of sending and also of returning the same:

Provided that nothing herein contained shall operate to release the party to whom any such postal packet shall be originally addressed from his liability to pay the postage thereof upon the delivery of such letter to him.

Who to be deemed the sender, of an unpaid letter.

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

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

**21.** Upon the trial or hearing of any action or proceeding for the recovery of any postage the production of any postal packet in respect of which such postage shall be sought to be recovered, having thereon a post office stamp denoting that such letter has been refused or rejected or that the party to whom the same is addressed is dead or could not be found, shall be *prima facie* evidence of the refusal or rejection of such letter or that such person was dead or could not be found according to the import and meaning of the said post office stamp thereon.

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

Letters of soldiers and sailors exempt from inland postage.

**23.** If any question arises as to whether any postal packet is a letter, postcard, newspaper, supplement, book-packet, circular, or other description of postal packet or parcel within the meaning of this Act or any rule or regulation made under this Act, the decision thereon of the Cabinet shall be final.

Cabinet to decide questions as to postal packets.

#### PART IV

##### *Miscellaneous*

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

Postmasters etc., exempt from service on juries.

**25.** It shall be incumbent upon all police officers to assist in the postal service of Antigua and Barbuda in such manner as the Cabinet shall from time to time direct, and, within the limits of such directions, such officers shall be deemed to be officers and servants of the postal service.

Police to assist in postal service.

**26.** The Cabinet may compromise and compound any action, suit, bill, plaint, or information which shall at any time be commenced in the name of Her Majesty by the authority of the postal administration or any officer thereof against any person for recovering penalties incurred under this or any other post office Act on such terms and conditions as the Cabinet shall think proper with full power to the Cabinet or any of its agents by the Cabinet thereunto authorised to accept the penalties so incurred or alleged to be incurred or any part thereof without action, suit, or information brought or commenced for the recovery thereof.

Cabinet may compound actions, etc., for penalties under this Act.

**27.** Every deed, instrument, money order or postal order, bill, cheque, receipt or other document made or executed for the purpose of a post office by, to or with, Her Majesty or any officer of a post office, shall be exempt from any stamp duty imposed by any Act, past or future, except where that duty is declared by the document, or by some

Exemption from stamp duty.

memorandum endorsed thereon, to be payable by some person other than a postmaster, and except so far as any future Act specifically charges the duty.

**Regulations etc.,  
to be laid before  
Parliament.**

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

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## FIRST SCHEDULE

S. 9 &amp; 10.

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Anguilla.	Lagos
Bahamas.	Mauritius
Barbados.	Montserrat.
Belize.	Newfoundland.
Bermuda.	St. Christopher and Nevis.
Canada.	St. Lucia.
Cyprus.	St. Vincent and the Grenadines.
Dominica.	Seychelles.
Falkland Islands.	Sierra Leone
Guyana.	Sri Lanka.
The Gambia.	Singapore.
Ghana.	Tortola.
Grenada.	Trinidad and Tobago.
Hong Kong.	Turks Island.
Jamaica.	
Labuan.	

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SECOND SCHEDULE

S. 12.

LICENCE FOR THE USE OF A FRANKING (POSTAGE METER) MACHINE

WHEREAS .....

(hereinafter called "the User") has applied to the Postmaster for a Licence to use for the business of the User at his office at .

..... a Postal Franking

Machine No ..... manufactured by

.....

.....

together with such meter or meters and franking and date-stamping die or dies as are specified below for the purpose of making impressions on postal packets to denote prepayment of postage or fees to such extent and in such cases as the Postmaster shall for the time being authorise;

NOW THEREFORE the Postmaster doth hereby grant to the User Licence to use the said machine for such purpose as aforesaid subject to the conditions hereinafter set forth. Such Licence shall continue in force until revoked or determined as specifically provided in the succeeding proviso, that is to say, PROVIDED ALWAYS—

(a) this Licence may be revoked forthwith by the Postmaster by notice in writing to the User if there shall be any breach by the User of any of the conditions herein contained or in the event of any machine proving mechanically unsatisfactory or in the event of the Postmaster considering that any machine has been improperly used or has been used in such a manner as to cause embarrassment or inconvenience to the Postmaster or any Officer of the Post Office;

(b) this Licence may be determined by the Postmaster by giving to the User not less than fourteen days notice in writing; and

(c) this Licence is subject and without prejudice to any rights which are now or may for the time being be subsisting or claimed or allowed to be subsisting under or by virtue of the Patents Acts; and the Postmaster accepts no liability whatever in respect of any present or future infringement or alleged infringement of any such rights by the said machine and meter or meters.

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**CONDITIONS ABOVE REFERRED TO**

**1.** No meter shall be used until it has been presented with this licence at the St. John's General Post Office and postage has been prepaid by the User. No seals shall be broken except by a duly authorised officer of the Post Office. There shall be no duplicate seals and the sealed mechanism shall not be in any way interfered with except by such officer.

**2.** Impressions must be clear, distinct and complete, and made only upon the actual material of the cover or envelope of the postal packet to be posted or on an adhesive label of the type approved by the Postmaster affixed to the postal packet to be posted. Postage cannot be prepaid by means of incomplete franking impressions or by means of impressions on pieces of paper (other than labels of an approved type) affixed to postal packets in the way in which postage stamps are affixed.

**3.** The name and address of the User must be printed or embossed on all address labels and also on envelopes and wrappers unless the messenger tendering the packet produces other documentary evidence that he is the licensee's authorised representative.

**4.** The date appearing in the date-stamping die impression on postal packets must be the date on which posting is effected or the fees paid.

**5.** All postal packets stamped by the machine must be arranged for posting with the addresses facing the same way and, except when the number of items is less than 20; must be tied in bundles. Printed paper packets, imitation typewritten circulars, and postal packets bearing adhesive stamps as well as franking impressions must each be tendered in separate bundles. The conditions in this paragraph do not apply to parcels.

**6.** All postal packets stamped by the machine must be handed to a Counter Officer at the General Post Office in St. John's. Any Postal packet stamped by the machine and posted in any other way than that prescribed will be regarded as unpaid and surcharged accordingly.

**7.** Facilities must be given to officers of the Post Office to inspect the machine and meter or meters without notice at all reasonable times during normal business hours and the same must be brought by the User to the Post Office mentioned in paragraph 1 for inspection if and when required by the Postmaster.

**8.** The User shall not without the Postmaster's Licence in writing use or permit to be used for any such purpose as aforesaid any franking machine or meter other than those hereby expressly permitted.

**9.** The Postmaster or an authorised officer of the Post Office shall after receipt of a written application by the User, make allowance for any impressions made in error (less a deduction of 5 per cent of face value) on surrender of the envelopes, wrappers or address labels: provided that the impressions are legible and that the entire envelopes, wrappers or address labels are produced and surrendered within three months of the date of stamping.

**10.** The conditions of this Licence may be altered and added to at any time by the Postmaster if and so far as may be necessary to bring them into conformity with the regulations for the time being of the Post Office.

**11.** Any notice under this Licence from the Postmaster to the User shall be sufficiently given if notified to the User in a letter or writing left at or sent by post addressed to the address given above or the User's last known or usual place of abode or business.

**12.** (1) Neither the Postmaster nor the Post Office nor any officer of the Post Office shall be responsible for the working of the machine or meters or be liable in respect of or by reason of any rejection or delay in delivery of any postal packets bearing such impressions as aforesaid.

(2) All postal packets impressed in pursuance of this Licence shall in all respects (except as to the mode of prepayment of postage) be subject to and regulated by the Regulations for the time being applicable to other postal packets.

**13.** At the end of each week, whether the franking machine has been used or not, a docket must be tendered to the Postmaster showing the readings of the meter or meters of the machine.

**14.** Licencees are required to have the machines inspected and maintained not less frequently than twice in each period of six months by the manufacturers thereof or by their duly appointed Agents so that such repairs as may be necessary may be effected to ensure clear franking impressions and accuracy in recording.



15. Machines must be hired or purchased from either of the following Supplying Companies or their authorised Agents.

PITNEY — BOWES, LTD.,  
THE PINNACLES,  
HARLOW,  
ESSEX, ENGLAND

RONSO—NEOPOST, LTD.,  
LION HOUSE,  
RED LION STREET,  
RICHMOND,  
SURREY, ENGLAND.

As Witness my hand this                      day of                      19.....

Meter No.	Number in franking dies	Indication on date Stamping die	Pattern of Machine	Denominations of Postage	Date of issue & initials of issuing Officer	Date of Surrender and initial of receiving Office

*Signed by the  
Postmaster in  
the Presence of:*

N.B. This Licence is not valid until it has been signed by the Postmaster