



Post Office Act 1908

1908 CHAPTER 48 8 Edw 7

POSTMASTER-GENERAL AND OFFICERS

33 Appointment of Postmaster-General

- (1) Any person from time to time appointed by His Majesty by letters patent shall be the master of the Post Office by the style of His Majesty's Postmaster-General.
- (2) Upon and by virtue of the appointment of any person to be His Majesty's Postmaster-General the benefit of all contracts, bonds, securities, and things in action, vested in his predecessor at the time of the predecessor ceasing to hold office, shall be transferred to and vested in, and ensure for the benefit of, the person so appointed, in the same manner as if he had been contracted with instead of his predecessor, and as if his name had been inserted in all such contracts, bonds, and securities instead of the name of his predecessor.

34 General powers and rights of Postmaster-General

- (1) The Postmaster-General may establish posts and post offices as he thinks expedient, and may collect, receive, forward, convey, and deliver in such manner as he thinks expedient, all postal packets transmitted within or to or from the British Islands or any British possession, subject nevertheless to the provisions contained in this Act.
- (2) Subject to the provisions contained in this Act with respect to British possessions, the Postmaster-General shall, wheresoever within His Majesty's dominions posts or post communications are for the time being established, have the exclusive privilege of conveying from one place to another 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, except in the following cases (that is to say) :—
 - (a) Letters sent by a private friend in his way, journey, or travel, so as those letters be delivered by that friend to the person to whom they are directed :
 - (b) Letters sent by a messenger on purpose, concerning the private affairs of the sender or receiver thereof:

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (c) Commissions or returns thereof, and affidavits and writs, process or proceedings, or returns thereof, issuing out of a court of justice :
- (d) Letters sent out of the British Islands by a private vessel (not being a vessel carrying postal packets under contract) :
- (e) Letters of merchants, owners of vessels of merchandise, or the cargo or loading therein, sent by those vessels of merchandise or by any person employed by those owners for the carriage of those letters, according to their respective directions, and delivered to the respective persons to whom they are directed, without paying or receiving hire or reward, advantage, or profit for the same in anywise :
- (f) Letters concerning goods or merchandise sent by common known carriers, to be delivered with the goods which those letters concern, without hire or reward or other profit or advantage for receiving or delivering those letters :

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

- (3) Subject as aforesaid, the following persons are expressly forbidden to carry a letter, or to receive or collect or deliver a letter, although they do not receive hire or reward for it (that is to say) :—
 - (i) Common known carriers, their servants or agents, except a letter concerning goods in their carts or waggons or on their pack horses, and owners, drivers, or guards of stage coaches :
 - (ii) Owners, masters, or commanders of ships, vessels, or steam boats, sailing or passing coastwise or otherwise between ports or places within the British Islands, or between, to, or from any ports within His Majesty's dominions out of the British Islands, or their servants or agents, except in respect of letters of merchants, owners of ships, or goods on board :
 - (iii) Passengers or other persons on board any such ship, vessel, or steam boat:
 - (iv) The owners of, or sailors, watermen, or others on board, a ship, vessel, steam boat, or other boat or barge passing or repassing on a river or navigable canal within His Majesty's dominions.
- (4) If any person not authorised by or in pursuance of this Act does any of the following things, namely, 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 letter not excepted from the exclusive privilege of the Postmaster-General, or makes a collection of those excepted letters for the purpose of conveying or sending them either by post or otherwise, he shall be liable on summary conviction to a fine not exceeding five pounds for every letter.
- (5) If any person is in the practice of doing any of the said things, he shall forfeit for every week during which the practice is continued one hundred pounds.
- (6) The expression “post ” shall in this section include all post communications by land or by water (except by outward-bound vessels not being employed by or under the Post Office or the Admiralty to carry postal packets) ; and the above fines and forfeitures shall be incurred whether the letter is sent singly or with anything else, or the incidental service is performed in respect to a letter either sent or to be sent singly or together with some other letter or thing ; and in any proceeding for the recovery of any such fine and forfeiture it shall lie upon the person proceeded against to prove that the act in respect of which the fine or forfeiture is alleged to have been incurred was done in conformity with this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

(7) For the purposes of this section the expression “letter ” shall include packet.

35 Execution of instruments of Postmaster-General

- (1) Any instrument requiring to be executed by the Postmaster-General, or to which he is a party, may be executed by any of the secretaries of the Post Office in the name of the Postmaster-General, and, if so executed, shall be deemed to have been executed by the Postmaster-General, and shall have effect accordingly.
- (2) Any instrument purporting to be so executed shall, until the contrary is proved, be deemed to have been duly executed without proof of the official character of the person appearing to have executed it.

36 Proof of Post Office regulations

The Documentary Evidence Act, 1868, as extended by the Documentary Evidence Act, 1882, shall have effect—

- (a) as if the Postmaster-General were mentioned in the first column, and any secretary or assistant secretary of the Post Office were mentioned in the second column, of the schedule to the former Act; and
- (b) as if a warrant of the Treasury under this Act were mentioned in the second section of the former Act as well as an order.

37 Power of deputy of Postmaster-General to give notice, or make claim, distress, &c

Any person having authority in that behalf, either general or special, under the seal of the Postmaster-General, may, on behalf of the Postmaster-General, give any notice or make any claim, demand, entry, or distress, which, the Postmaster-General in his corporate capacity or otherwise might give or make, and every such notice, claim, demand, entry, and distress, shall be deemed to have been given and made by the Postmaster-General on behalf of His Majesty.

38 Exemption of Postmaster-General from stamp duty

Every deed, instrument, money order, bill, cheque, receipt, or other document, made or executed for the purpose of the Post Office by, to, or with, His Majesty or any officer of the 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 memorandum endorsed thereon, to be payable by some person other than the Postmaster-General, and except so far as any future Act specifically charges the duty.

39 Alienation of Post Office duties by Crown

And to the intent that the inheritance of such part of the hereditary revenue of the Crown arising in and by the General Post Office which is vested in His Majesty may be preserved in the Crown for the future benefit thereof, be it enacted and declared that the same or any part thereof shall not hereafter be alienable, chargeable, or grantable, by His Majesty, his heirs or successors, for any estate, term, or time whatsoever to endure longer than the life of His Majesty, or of such king or queen as shall make the alienation, charge, or grant, and that all gifts, grants, alienations, and assurances

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

whatsoever to be had or made of, and charges upon, the said duties or revenue, or any part thereof, contrary to the provisions of this Act, shall be null and void without any inquisition, scire facias, or other proceeding to determine, or make void the same.

40 Post Office expenses

Without prejudice to the provisions of the Post Office (Parcels) Act, 1882, all expenses incurred by the Postmaster-General in the execution of this Act or otherwise in the management of the Post Office shall continue to be paid out of moneys provided by Parliament.

41 Post Office accounts

The Postmaster-General shall cause such accounts to be kept of the Post Office revenue and expenses by such officers and under such regulations as the Treasury direct.

42 Power to appoint officers

The Postmaster-General may appoint such officers, deputies, agents, and servants as seem to him necessary, and any act authorised or required to be done by, to, or before the Postmaster-General may, subject to any special directions of the Postmaster-General, be done by, to, or before any officer, deputy, servant, and agent so appointed.

43 Exemption of officers of Post Office from certain offices

Notwithstanding anything in any other Act, neither the Postmaster-General nor any officer of the Post Office shall be compelled to serve as a mayor or sheriff, or in any ecclesiastical or corporate or parochial or other public office or employment, or on any jury or inquest, or in the militia.

44 Surrender of clothing by officer of Post Office on ceasing to be officer

- (1) Where an officer of the Post Office vacates his office (whether by reason of dismissal, resignation, death, or otherwise) he, or if he is dead his personal representative, or the person acting as his personal representative, shall deliver to the Postmaster-General all articles (whether uniform, accoutrements, appointments, or other necessaries) 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 on summary conviction be liable to a fine not exceeding forty shillings, and also to pay such further sum not exceeding forty shillings 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.
- (3) Any justice of the peace may issue a warrant by virtue of which a constable may search for and seize any articles not delivered as required by this section, in like manner as if they were stolen goods and the warrant were a warrant to search for stolen goods.