



# Post Office Act 1953

## 1953 CHAPTER 36

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

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

- (1) Subject to the provisions of this and any other Act, there shall be charged by the Postmaster-General for the use of Her Majesty in respect of postal packets which are conveyed or delivered for conveyance by post under the authority of the Postmaster-General such postage and other sums as the Treasury may by warrant provide:

Provided that—

- (a) petitions and addresses forwarded to Her Majesty by post shall be exempt from postage ;
- (b) petitions and addresses to Her Majesty, and petitions addressed to either House of Parliament, sent by post to a member of either House of Parliament shall be exempt from postage if the petitions or addresses do not exceed thirty-two ounces in weight and are sent without covers or in covers open at the sides.

In the application of this subsection to Northern Ireland, the expression " Parliament" includes the Parliament of Northern Ireland.

- (2) A warrant under this section may—

- (a) fix or provide for the determination of the rates of post age and the other sums, if any, to be charged in respect of postal packets and postal facilities under this Act;
- (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 Postmaster-General power, with or without the consent of the Treasury, to remit in whole or in part any postage or other sums chargeable in such cases or classes of cases as he may determine:

Provided that the inland letter rate shall not be less than one penny.

## **6 General provisions relating to postage, etc.**

- (1) Except as the Postmaster-General may otherwise direct and subject to the provisions of this Act and any Post Office regulations made thereunder, all postage and other sums chargeable in respect of postal packets by virtue of the last foregoing section shall be chargeable as stamp duties and the enactments relating to stamp duties shall apply accordingly:

Provided that, notwithstanding anything in those enactments, any person in the service or employment of the Post Office may sell postage stamps at any place and in any manner without any licence or authority under those enactments.

- (2) The Postmaster-General or the Commissioners of Inland Revenue may, under rules made by the Treasury or made with the sanction of the Treasury by the Postmaster-General or those Commissioners, stamp any paper sent to him or them 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 Treasury may direct.
- (3) The Postmaster-General, in the exercise of any powers for the time being vested in him in relation to spoiled, unused or misused stamps, 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 he thinks fit, of any less value.
- (4) The marks used by the Postmaster-General for the purpose of cancelling stamps used for the payment of postage on postal packets may consist of such words or devices as the Postmaster-General may in his discretion think proper, including words or devices constituting advertisements in respect of the use of which as postmarks payment is made by any persons to the Postmaster-General.

## **7 Provisions as to postage etc. not prepaid or insufficiently prepaid**

- (1) Where the postage or any other sum chargeable for the transmission of an inland postal packet other than a telegram 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—
- (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—

- (i) in the case of a packet consisting of votes or parliamentary proceedings, paragraph (a) of this subsection shall have effect, subject to such conditions, if any, as the Treasury may by warrant prescribe, as if the word " double " were omitted;
- (ii) the Treasury may by warrant provide that, in the case of such other packets and subject to such conditions, if any, as may be prescribed in the warrant, such lesser amount than that specified in paragraph (a) of this subsection shall be payable as may be so prescribed.

- (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 Postmaster-General may, on the application of the addressee and subject to Post Office regulations, 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 Postmaster-General shall repay to the addressee the amount paid by him under the foregoing subsection.

## **8 Conditions of transit of postal packets**

- (1) Post Office regulations may 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 Act;
  - (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 and (regulations 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 post-cards 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 regulations ;
  - (m) the disposal of postal packets in course of transmission by post in cases where it appears to the satisfaction of the Postmaster-General 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 regulations may be made for different cases or different circumstances.
- (2) Save as provided in section nine of the Crown Proceedings Act, 1947, 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 Crown in any manner liable for the loss of the packet or the contents thereof.

- (3) If any postal packet is posted or sent by post in contravention of this Act or of any warrant or regulation made thereunder, the transmission thereof may be refused and the packet may, if necessary, be detained and opened in the post office and may be returned to the sender thereof or forwarded to its destination, subject in either case to any Post Office regulations as to additional postage or other charges, or may be destroyed or otherwise disposed of as the Postmaster-General may direct.
- (4) 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 Postmaster-General may direct.

## **9 Decision as to postal packets**

If any question arises whether any postal packet is a letter or any other description of postal packet within the meaning of this Act or of any warrant or regulations made thereunder, the decision of the Postmaster-General thereon shall be final.

## **10 Cash on delivery service**

- (1) The Postmaster-General may conduct in accordance with such provisions as may be contained in Post Office regulations a cash on delivery service in respect of—
  - (a) inland postal packets ;
  - (b) postal packets transmitted between the British postal area and a British postal agency or between such agencies;
  - (c) postal packets transmitted between the British postal area or a British postal agency and any other country or place the postal administration of which has made an arrangement with the Postmaster-General for the purposes of this section.
- (2) The regulations 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 Postmaster-General 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 British postal area or a British postal agency without the sums payable in respect thereof having been paid, the Postmaster-General 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 Postmaster-General, and if the addressee fails to comply with the notice the Postmaster-General shall be entitled to recover the said sums as a debt due to him from the addressee.
- (4) The provisions of this Act 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 the Postmaster-General or on his behalf by an officer of the Post Office duly authorised by or under section eighty-three of this Act

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 Postmaster-General or other postal administration undertakes at the request of the sender of a postal packet to collect, or secure the collection of, a sum of money on his 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.

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

- (1) A person shall not send or attempt to send or procure to be sent a postal packet which—
- (a) save as the Postmaster General 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 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 summary conviction to a fine not exceeding ten pounds or on conviction on indictment to imprisonment for a term not exceeding twelve months.
- (3) Post Office regulations may be made for preventing the sending or delivery by post of any such articles as are mentioned in paragraph (b) or (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 character.
- (4) The detention in the Post Office of any postal packet on the grounds of a contravention of this section or of any regulations 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.

## **12 Registration of newspapers at Post Office**

- (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 General Post Office in London in such form and with such particulars as the Postmaster-General may direct:

Provided that the Postmaster-General may refuse to permit the registration under this section of any publication printed and published outside the British postal area unless arrangements have been made to his satisfaction for maintaining a responsible representative of the publication in the United Kingdom.

- (2) Any such registration shall be in respect of a period of twelve months commencing on such date in each year as the Postmaster-General may direct, and there shall be

payable on each registration such fee not exceeding five shillings as may be prescribed by Post Office regulations.

- (3) A publication for the time being on the said register—
- (a) shall be a registered newspaper within the meaning of this Act and of any warrant made thereunder ; and
  - (b) shall be a newspaper within the meaning of any arrangement with the government or postal administration of any other country for securing advantages for newspapers sent by post.
- (4) The Postmaster-General 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.
- (5) The decision of the Postmaster-General on the admission to or removal from the said register of a publication shall be final.

### **13 Publications registrable as newspapers**

- (1) 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 British postal area or some other part of Her Majesty's dominions, or in a British protectorate or protected state, a mandated territory or a trust territory, or in India or the Republic of Ireland; and
  - (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.
- (2) A publication which is not registrable by virtue of the foregoing subsection by reason only of the proportion of advertisements to other matter therein shall nevertheless be registrable if it was stamped as a newspaper before the fifteenth day of June, eighteen hundred and fifty-five.

### **14 Supplements to registered newspapers**

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 Post Office regulations may 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.

## **15 Power of Treasury to carry into effect postal arrangements with other countries**

Where an arrangement has, either before or after the commencement of this Act, been made by Her Majesty with the government of any other country or by the Postmaster-General with any other postal administration with respect to the conveyance by post of any postal packets between the British postal area and places outside that area, or between places outside that area, whether through that area or not, the Treasury may by warrant make such regulations as may seem to them necessary for carrying the arrangement into effect, 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 paying over to any other postal administration of any money received by the Postmaster-General.

## **16 Application of customs Acts to postal packets**

- (1) Subject to the provisions of this section, the enactments for the time being in force relating to customs shall apply in relation to goods contained in postal packets to which this section applies brought into or sent out of the United Kingdom by post from or to the Channel Islands, the Isle of Man or any place outside the British postal area as they apply in relation to goods otherwise imported, exported or removed into or out of the United Kingdom from or to any of those islands or any such place.
- (2) The Treasury, on the recommendation of the Commissioners of Customs and Excise and the Postmaster-General, may by statutory instrument make regulations—
  - (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 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 or postal administration of any other country 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 enactments, for punishing any contravention of the regulations;and different regulations may be made for foreign and inland postal packets respectively.
- (3) The provisions of this Act as to the recovery of postage or other sums payable in respect of a postal packet shall apply in relation to any customs duty or other charges payable in respect of a postal packet to which this section applies, whether payable to Her Majesty or to the government of any country outside Her Majesty's dominions, and a certificate of the amount of any such duty or other charges purporting to be signed by the Postmaster-General or on his behalf by an officer of the Post Office duly authorised by or under section eighty-three of this Act shall in any legal proceedings for the recovery of the duty or charges be sufficient evidence of the facts stated therein unless the contrary is shown.

- (4) Without prejudice to section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeal and re-enactment), sub-paragraph (2) of paragraph 1 of Part III of the Fifth Schedule to the Exchange Control Act, 1947, shall be construed as if—
- (a) any reference therein to section fourteen of the Post Office (Parcels) Act, 1882, were a reference to this section ; and
  - (b) the reference therein to section three of the Post Office (Amendment) Act, 1935, were a reference to paragraph (a) of subsection (2) of this section.

## **17 Power to detain postal packets containing contraband**

- (1) Without prejudice to the last foregoing section, the Postmaster-General may detain any postal packet suspected to contain any goods chargeable with any customs duty which has not been paid or secured or any goods in the course of importation, exportation or removal into or out of the United Kingdom, the Channel Islands or the Isle of Man 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 Commissioners of Customs and Excise.
- (2) Where any postal packet has been forwarded to the said Commissioners under this section they may—
- (a) in the presence of the person to whom the packet is addressed; or
  - (b) if, after notice in writing from them 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 British postal area, then in his absence,
- open and examine the packet.
- (3) Where the said Commissioners open and examine a postal packet under this section, then—
- (a) if they find any such goods as aforesaid they may detain the packet and its contents for the purpose of taking proceedings with respect thereto ;
  - (b) if they find no such goods, they 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.

## **18 Recovery of postage**

- (1) All postage and other sums payable under this Act in respect of postal packets may be recovered as a debt due to the Crown.
- (2) Where any sum not exceeding twenty pounds is due from any person for postage or in respect of postal packets, that sum may, without prejudice to any other mode of recovery, be recovered in England, Wales or Northern Ireland summarily as a civil debt.

## **19 Post Office mark evidence of amount of postage, etc.**

- (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 Post Office or of any other postal administration and whether the sum is marked as being due to the Postmaster-General or otherwise, shall in every court in the British postal area 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 Her Majesty.

- (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 Post Office or any other postal 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 by the Postmaster-General or on his behalf by an officer of the Post Office duly authorised by or under section eighty-three of this Act 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.