



# Post Office Act 1953

## 1953 CHAPTER 36

### *Miscellaneous and General*

#### **77 Exemption from toll**

- (1) No person shall demand any toll on the passing of any vehicle or horse conveying mail bags at places where tolls are otherwise demandable.
- (2) If any person employed to receive the tolls or rates at a gate or bar erected upon a highway, bridge or post road demands toll for any mail or any person, horse or vehicle going or employed to go for any mail bag, or does not permit any such mail, person, horse or vehicle to pass without delay, or wilfully delays or obstructs any such mail, person, horse or vehicle at or in passing a gate or bar, he shall for each offence be liable on summary conviction to a fine not exceeding five pounds.
- (3) If any person employed to receive the tolls at a ferry demands any toll for any mail, or if any ferryman does not, within fifteen minutes after demand made, convey any mail (if it be possible or safe to do so) across the ferry to the usual landing place, he shall for each offence be liable on summary conviction to a fine not exceeding five pounds.
- (4) Any toll leviable in Scotland or Northern Ireland which but for the foregoing provisions of this section would be demandable on the passing of any mail shall be accounted for and paid by the Postmaster-General out of moneys provided by Parliament.

#### **78 Provision as to post office letter boxes**

- (1) Where it appears to the Postmaster-General 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, he 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 purpose 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 Postmaster-General or on his behalf by an officer of the Post Office duly authorised by or under section eighty-three of this Act to the effect that any box or receptacle is or was provided by the permission or under the authority of the Postmaster-General 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.

## **79 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 be liable on summary conviction 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 and in Scotland any sheriff or magistrate of a burgh 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.

## **80 Post Office expenses**

All expenses incurred by the Postmaster-General in the execution of this Act or otherwise in the management of the Post Office and not otherwise provided for by any enactment shall be paid out of moneys provided by Parliament.

## **81 Post Office regulations and warrants**

- (1) The Treasury may by warrant, on the representation of the Postmaster-General, make regulations with respect to any matter which is authorised or required by this Act to be effected by Post Office regulations.
- (2) Any power to make warrants conferred by this Act on the Treasury shall be exercisable by statutory instrument, and any statutory instrument containing Post Office regulations shall be laid before Parliament after being made.
- (3) 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 the Director-General or any Deputy Director-General, director 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 section two of the former Act as well as an order.

**82 Signature of Treasury warrants, consents, etc.**

Any warrant of the Treasury under this Act may be signed in manner provided by the Treasury Instruments (Signature) Act, 1849, and any order, consent, authority or direction of the Treasury (not being a warrant) under this Act may be signed either in manner provided by that Act or under the hand of a secretary or assistant secretary to the Treasury.

**83 Exercise of powers on behalf of Postmaster-General**

- (1) Any instrument or document required or authorised to be executed or signed by the Postmaster-General (whether in his corporate capacity or otherwise) may be executed or signed on his behalf by the Director-General or a Deputy Director-General of the Post Office or by such other officers of the Post Office (whether described by name or by reference to their rank or office or class of office) as may be prescribed by Post Office regulations, either generally or as respects any class of , instruments or documents, or as may be directed by the Postmaster-General as respects any particular instrument or document.
- (2) Any instrument or document purporting to be executed or signed by an officer of the Post Office duly authorised in that behalf by or under this section 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.
- (3) Subject to subsection (1) of this section, any act authorised or required to be done by, to or before the Postmaster-General may be done by, to or before any officer, deputy, servant or agent appointed by him in that behalf.

**84 Exemption of Postmaster-General from stamp duty**

Every deed, instrument, money order, bill, cheque, receipt or other document, made or executed for the purposes of the Post Office by, to, or with Her Majesty or any officer of the Post Office shall be exempt from any stamp duty imposed by any enactment, whether passed before or after the commencement of this Act, 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.

**85 Alienation of Post Office duties by Crown**

In order that such part of the hereditary revenue of the Crown arising in and by the Post Office as is vested in Her Majesty may be preserved in the Crown for the future benefit thereof, it is hereby declared that that revenue or any part thereof shall not hereafter be alienable, chargeable or grant-able by Her Majesty, or her heirs or successors, for any estate, term or time whatsoever to endure longer than the life of Her Majesty, or of such King or Queen as shall make the alienation, charge or grant, and that all gifts, grants, alienations and assurances whatsoever to be had or made of, and charges upon, the said revenue or any part thereof contrary to the provisions of this Act shall be null and void without any proceeding to determine them or make them void.

## 86 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 sheriff or in any ecclesiastical or corporate or parochial or other public office or employment, or on any jury or inquest.

## 87 Interpretation

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

" British postal agency " means any place, situated in a foreign country, where a post is established by the Postmaster-General;

" British postal area " means the United Kingdom, the Channel Islands and the Isle of Man ;

" chattel " in relation to Scotland means a corporeal moveable ;

" commander ", in relation to an aircraft, includes the pilot or other person in charge of the aircraft;

" foreign ", in relation to any postal packet, means either posted in the British postal area and sent to a place outside that area, or posted in a place outside that area and sent to a place within that area, or in transit through the British postal area to a place outside that area;

" inland ", in relation to any postal packet or any description thereof, means posted within the British postal area and addressed to some place in that area, and " inland postage " means the postage chargeable on an inland postal packet;

" 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 a parcel, an envelope and any form of container or covering in which postal packets in course of transmission by post are conveyed, whether or not it contains any such packets ;

" mandated territory " means a territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the government of any part of Her Majesty's dominions ;

" 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;

" officer of the Post Office " includes the Postmaster-General, and any person employed in any business of the Post Office, whether employed by the Postmaster-General or by any person under him or on behalf of the Post Office;

" parcel " means any postal packet defined as a parcel by Post Office regulations;

" 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, and includes a telegram;

" post office " includes any house, building, room, vehicle or place used for the purposes of the 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 Postmaster-General for the purpose of receiving postal packets, or any class of postal packets, for transmission by or under the authority of the Postmaster-General;

" public service vehicle " in relation to Great Britain, means a public service vehicle within the meaning of the Road Traffic Acts, 1930. to 1934 ;

" railway undertakers " means any authority, body or person authorised by any enactment to construct, work or carry on a railway;

" regular mail train " has the meaning assigned by section thirty-three of this Act, and " regular mail train services " means services performed under that section or section thirty-four of this Act including services performed under those sections by virtue of section forty-two or subsection (3) of section forty-four of this Act;

" ship " includes any boat or vessel whatsoever ;

" sorting carriage " has the meaning assigned by section thirty-four of this Act;

" telegraph post " means a post, pole, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telegraph as defined by the Telegraph Act, 1869;

" the purposes of the Post Office " includes any purpose relating to or in connection with the execution of any duties for the time being undertaken by the Postmaster-General or any of his officers;

" trust territory " means a territory placed under international trusteeship, and administered by the government of any part of Her Majesty's dominions;

" valuable security " has the same meaning as in the Larceny Act, 1916, and includes anything which is a valuable security within the meaning of that Act and any part of such a thing, and so far as is necessary for the purposes of this definition that Act shall be deemed to have effect in Scotland, as if, however, any references therein to real estate and to chattels personal included respectively references to heritable property and to corporeal moveables;

" vehicle " includes a railway vehicle.

(2) For the purposes of this Act—

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

- (4) A reference in any enactment other than this Act to a post letter shall be construed as a reference to a postal packet within the meaning of this Act.

## **88 Application to Northern Ireland-general**

- (1) The following provisions of this section shall have effect for the purposes of the application of this Act to Northern Ireland.
- (2) Except where the context otherwise requires, the following expressions have the following meanings respectively—
- " enactment " includes an enactment of the Parliament of Northern Ireland;
  - " public service vehicle " means a public service vehicle within the meaning of the Motor Vehicles and Road Traffic Acts (Northern Ireland), 1926 to 1945, not being a vehicle licensed as a motor hackney carriage pursuant to regulations for the time being in force under Part II of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926;
  - " summary conviction " means conviction in accordance with the enactments for the time being in force in Northern Ireland relating to summary jurisdiction ;
  - " Transport Tribunal ", except in section twenty-nine of this Act, means the Transport Tribunal for Northern Ireland set up under the Transport Act (Northern Ireland), 1948.
- (3) Any reference in this Act to any enactment of the Parliament of the United Kingdom shall be construed as a reference to that enactment as it applies in Northern Ireland.
- (4) Section thirty-eight of the Interpretation Act, 1889, shall have effect as if the expressions " Act" and " enactment" therein included enactments of the Parliament of Northern Ireland.

## **89 Application to Channel Islands-general**

- (1) This Act, except sections thirty-three to forty-five and section fifty-one, shall extend to the Channel Islands and the Royal Courts of the Channel Islands shall register this Act accordingly.
- (2) In the application of this Act to the Channel Islands, except where the context otherwise requires, the following expressions have the following meanings respectively—
- " constable " means an officer of police ;
  - " justice of the peace " means the Bailiff of Jersey or the Bailiff of Guernsey;
  - " misdemeanour " means a delit, or an offence not being a felony;
  - " public service vehicle " means—
    - (a) in Jersey, a public service vehicle within the meaning of the Motor Traffic (Jersey) Law, 1935; and
    - (b) in Guernsey, a public vehicle within the meaning of the Passenger Transport Licensing Authority (Guernsey) Law, 1948,
 not being in either case a vehicle adapted to carry less than eight passengers which carries those passengers otherwise than at separate fares.

## **90 Application to Isle of Man-general**

- (1) This Act except sections thirty-three to forty-five shall extend to the Isle of Man.
- (2) Any offence against this Act which is punishable on summary conviction and any fine under this Act which is recoverable on summary conviction may, in the Isle of Man, be prosecuted or recovered before a court of summary jurisdiction constituted in accordance with the Petty Sessions and Summary Jurisdiction Acts, 1927 and 1946, being acts of the legislature of the Isle of Man, or any other Act of that legislature whether passed before or after the commencement of this Act, and at the instance of an officer of the Post Office or of a constable.
- (3) In the application of this Act to the Isle of Man, except where the context otherwise requires, the following expressions have the following meanings respectively—
  - " indictment " means an information ;
  - " public service vehicle " means a motor vehicle licensed as a road service vehicle, stage coach or hackney carriage, not being a vehicle adapted to carry less than eight passengers which carries those passengers otherwise than at separate fares.
- (4) Any Act of the legislature of the Isle of Man punishing offences committed in relation to post letters or post letter bags shall have effect as if a parcel were a post letter and any receptacle containing a parcel were a post letter bag.
- (5) For the purposes of sections fifty-two to fifty-eight of this Act, section thirty-six of the Petty Sessions and Summary Jurisdiction Act, 1927 (being an Act of the legislature of the Isle of Man) (which relates to the summary trial of indictable offences), and any other enactment of that legislature, whether passed before or after the commencement of this Act, amending the said section thirty-six, shall have effect as if offences under the said sections of this Act were included in the Third Schedule to the said Act of 1927.

## **91 Repeals and savings**

- (1) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (2) Any letters patent granted, warrant, arrangement or appointment made, direction, decision or undertaking given, post established, registration effected, notice served, sanction obtained or other thing done under any enactment repealed by this Act or by the Post Office Act, 1908, shall, if in force at the commencement of this Act, continue in force and have effect as if granted, made, given, established, effected, served, obtained or done under the corresponding provision of this Act.
- (3) Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- (4) Save as expressly provided by this Act, any reference in any enactment, warrant or other document whatsoever to the Post Office Acts, or any of them, or to the Post Office laws, or to any enactment repealed by this Act, shall unless the contrary intention appears be construed as a reference to this Act or to the corresponding provision of this Act, as the case may require.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Nothing in this section shall affect any Act of the legislature of the Isle of Man in force at the commencement of the Post Office Act, 1908.
- (6) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

**92 Short title**

- (1) This Act may be cited as the Post Office Act, 1953.
- (2) This Act shall come into force one month after the passing thereof.