



**Tuvalu**

# **POST OFFICE ACT**

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Tuvalu

## POST OFFICE ACT

### Arrangement of Sections

Section

<b>PART I - PRELIMINARY</b>	<b>5</b>
1 Short title.....	5
2 Interpretation.....	5
<b>PART II - GENERAL</b>	<b>6</b>
3 General powers of Minister .....	6
4 Overseas mail.....	6
5 Exclusive privileges of Minister over letters .....	7
<b>PART III - STAMPS</b>	<b>8</b>
6 Postage stamps.....	8
7 Rates of postage.....	8
8 Liability for payment of postage.....	8
9 Power to withhold postal packet from person refusing to pay postage etc.....	8
<b>PART IV - PROHIBITED ARTICLES</b>	<b>9</b>
10 Transmission by post of certain articles prohibited .....	9
11 Transmission by post of anything indecent or seditious or packets bearing fictitious stamps prohibited.....	9
12 Detention of prohibited packets .....	9
13 Power to open postal packets suspected to contain dutiable goods .....	9
<b>PART V - REGISTRATION AND COMPENSATION</b>	<b>10</b>
14 Registration of postal packets .....	10
15 Compensation .....	10
16 Insurance of postal packets .....	10

**PART VI - MONEY ORDERS** **11**

17	Provision of money orders .....	11
18	Exemption from liability in respect of money orders.....	11

**PART VII - CARRIAGE OF MAIL** **11**

19	Minister may enter into mail contracts.....	11
20	Penalty for refusing to receive mail on board .....	11
21	Payment for conveyance of mails by non-contract vessels.....	12
22	All mails and postal packets arriving by vessel to be delivered to post office by master.....	12
23	Carriage of internal mail .....	12

**PART VIII - OFFENCES AND PENALTIES** **12**

24	Penalty for contravention of section 5.....	12
25	Penalty for contravention of sections 10 and 11 .....	13
26	Fraudulently issuing money orders .....	13
27	Unlawfully taking away or opening mail carried by aircraft, vessel or vehicle .....	13
28	Fraudulent detention of mail bag or postal packets.....	13
29	Falsely inducing delivery of or opening postal packets .....	14
30	Prohibition of imitation of post office stamps etc. ....	14
31	Opening, delaying etc. of postal packets.....	14
32	Further offences by officers of the post office .....	14
33	Penalty for obstructing mail .....	15
34	Placing injurious substance in or against letter boxes etc .....	15
35	Evidence of thing being postal packet.....	15

**PART IX - REGULATIONS** **15**

36	Regulations.....	15
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**Supporting Documents****ENDNOTES** **16**



Tuvalu

## POST OFFICE ACT

### AN ACT TO REFORM THE LAW RELATING TO THE ESTABLISHMENT AND REGULATION OF POST OFFICES AND THE CONVEYANCE OF MAILS<sup>1</sup>

Commencement [4th May 1977]

## PART I - PRELIMINARY

### 1 Short title

This Act may be cited as the Post Office Act.

### 2 Interpretation

(1) In this Act and in any regulations made hereunder —

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

“**letter**” includes a post-card, aerogram or letter-card;

“**mail bag**” includes 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;

“**officer of the post office**” includes the Postmaster and any person employed in the operation of the postal service;

“**postal authority**” includes any duly constituted postal authority recognised by the Universal Postal Union;

“**post office**” includes any place where postal packets are received, sorted or delivered, or any place used for postal service purposes and any posting box

or other receptacle provided by or with the approval of the Minister for the reception of postal packets for transmission;

“**postal packet**” includes a letter, packet or parcel or any other article transmissible by post and shall include a telegram when conveyed by post.

- (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 when it is delivered to a post office to the time when it is delivered to the person to whom it is addressed; and
  - (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 shall be a delivery to a post office; and
  - (c) the delivery of a postal packet at the house or office of the person to whom the packet is addressed or to him or to his servant or agent or other person with apparent authority to receive the packet or into a private box or mail bag, according to the usual manner of delivering that person’s postal packets, shall be a delivery to the person addressed.

## **PART II - GENERAL**

### **3 General powers of Minister**

- (1) The Minister may make such arrangements as he shall see fit for the conduct and development of postal services within Tuvalu and in particular may implement the provisions of any convention or agreement of the Universal Postal Union not in conflict with the provisions of this Act.
- (2) The Minister may establish post offices at such places as he thinks fit and may discontinue any such post office.

### **4 Overseas mail**

- (1) The transmission of postal packets addressed to or received from any country outside Tuvalu shall be subject to the provisions of any convention or agreement in regard to the transmission of such packets through the post in force for the time being and to which the Government is a party.
- (2) Without prejudice to the generality of the foregoing, and for so long as the Government shall remain a party thereto, the transmission of postal parcels between Tuvalu and any other country shall be in accordance with the provisions of the Postal Parcels Agreement of the Universal Postal Union.
- (3) If any postal packet is posted or sent by post in contravention of the provisions of any convention or agreement to which the Government is party or of any regulations made hereunder, the transmission thereof may be refused

and the packet may, if necessary, be detained and opened by an officer of the post office and may be returned to the sender thereof or forwarded to its destination, subject in either case to the provisions of any convention, agreement or regulations as to additional postage or other charges, or may be destroyed or otherwise disposed of as the Postmaster directs.

## 5 Exclusive privileges of Minister over letters

- (1) Subject to the provisions of this section the Minister shall within Tuvalu postal area have the exclusive privilege of conveying from one place to another, and of performing all the incidental services of receiving, collecting, despatching and delivering, all letters.
- (2) All letters shall be sent, conveyed into and out of Tuvalu from and to any place between which Tuvalu postal communications are established, and be delivered and be distributed in Tuvalu by or through the post except in the following cases —
  - (a) a letter taken by a person on a journey undertaken by him otherwise than for delivery of that letter or any other letter to the person to whom it is addressed, and without hire, reward or other profit or advantage for receiving, carrying or delivering it;
  - (b) letters solely concerning the affairs of the sender or receiver sent by a messenger for that purpose;
  - (c) letters solely concerning goods or property sent either by sea, by land or by air to be delivered with the goods or property which the letters concern without hire, reward or profit or advantage for receiving, carrying or delivering them:  
Provided that such letters shall be open to inspection and have superscribed thereon the words “Consignee’s Letter” or other words to the same effect;
  - (d) letters carried by a servant of the sender or by a special messenger employed by him.
- (3) Except in accordance with the provisions of subsection (2) or in pursuance of arrangements made by the Minister under this Act a letter shall not be received, collected, or delivered by any person specified in this subsection, namely —
  - (a) common carriers, their servants or agents, save in respect of a letter concerning goods in their aircraft or vehicle or conveyance;
  - (b) owners or masters of vessels or their servants or agents, and commanders of aircraft, save in respect of a letter of the owner of the vessel or goods on board that vessel or aircraft;
  - (c) passengers or other persons on any aircraft, vehicle, vessel or other conveyance;

- (d) officers of the post office, save in respect of a letter in course of transmission by post.

## **PART III - STAMPS**

### **6 Postage stamps**

The Minister may cause to be provided postage stamps of such kinds and denoting such values as he may consider necessary for the purpose of this Act, and may similarly, by notice, declare that any postage stamps shall cease to be valid for the purpose of this Act and thereupon such postage stamps shall cease to be valid.

### **7 Rates of postage**

Subject to the provisions of this Act and regulations made hereunder there shall be paid on every postal packet for transmission by post such postage and other sums as may be prescribed by regulations and the postage and all fees, if any, in respect of any postal packet posted within Tuvalu shall be prepaid by means of valid postage stamps issued under this Act, not previously used, obliterated or defaced, and in default thereof there shall be payable in money at the time of delivery upon every such postal packet the deficiency due thereon together with such fee as may be prescribed by regulations made hereunder:

Provided that postage may, with the approval of the Postmaster, be paid in cash at the time of posting.

### **8 Liability for payment of postage**

The person to whom any postal packet is tendered for delivery on which postage and any other fee is due whether imposed under this Act or by another postal authority shall be bound to pay the postage or other fee due on his accepting delivery of the postal packet.

### **9 Power to withhold postal packet from person refusing to pay postage etc.**

If any person refuses to pay any postage or other sum due in respect of any postal packet the Postmaster or any officer in charge of a post office may withhold from the person so refusing any postal packet whatsoever not being on Her Majesty's Service or on Government service addressed to that person until such postage or other sum has been paid.

## PART IV - PROHIBITED ARTICLES

### 10 Transmission by post of certain articles prohibited

- (1) Except upon such conditions as may be prescribed, no person shall send by post any explosive, inflammable, filthy, noxious or deleterious substance, any sharp instrument not properly protected, any living animal, or any article or thing whatsoever which is likely to cause injury or damage either to any person or to other postal packets in course of transmission.
- (2) No person shall send by post opium, morphine, cocaine or any other narcotic except in accordance with any law in force in respect thereto.

### 11 Transmission by post of anything indecent or seditious or packets bearing fictitious stamps prohibited

No person shall send by post —

- (a) any indecent, obscene or seditious publication or article;
- (b) any postal packet bearing thereon or on the cover thereof any words, marks or designs of an indecent, obscene, seditious or grossly offensive character;
- (c) any postal packet bearing any fictitious postage stamps or purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal packet or has been declared to be invalid;
- (d) any postal packet relating to a fraudulent or immoral business; or
- (e) any postal packet containing any article or thing prohibited by the Customs Act<sup>2</sup> or any other law of Tuvalu or the country to which the postal packet is addressed.

### 12 Detention of prohibited packets

If the Postmaster or an officer in charge of a post office has reason to suspect that any postal packet contains anything in contravention of the provisions of sections 10 and 11, he may cause such postal packet to be detained and opened and, if it is found to contain such matter, he shall cause it to be destroyed or dealt with in such other manner as the Minister shall direct.

### 13 Power to open postal packets suspected to contain dutiable goods

- (1) It shall be lawful for the Postmaster or an officer in charge of a post office to detain any postal packet containing or reasonably suspected to contain goods chargeable with any duty under the Customs Act and to open the same in the

presence of and at the request of an officer appointed under the provisions of that Act.

- (2) A clearance fee of an amount prescribed by regulations made hereunder shall be paid by the consignee on any postal packet delivered in Tuvalu in respect of the contents of which duties under the Customs Act have been paid.

## **PART V - REGISTRATION AND COMPENSATION**

### **14 Registration of postal packets**

The sender of any postal packet may, upon payment of the fee prescribed by regulations made hereunder in addition to the ordinary postage, have that packet registered by and obtain a receipt for the same from the officer in charge of a post office.

### **15 Compensation**

- (1) The Postmaster may pay compensation for the loss while within the custody of Tuvalu postal service of a registered postal packet subject to the monetary limitations and other conditions prescribed by the Universal Postal Union.
- (2) The Postmaster may pay compensation for the loss of or damage to, while within the custody of Tuvalu postal service, a parcel admitted for transmission by post to or from Tuvalu, or the whole or any portion of the contents thereof, in accordance with the provisions of the Parcels Post Agreement of the Universal Postal Union.
- (3) Compensation shall not be payable if the loss or damage was caused by *force majeure* or if it appears to the Postmaster that the loss arose wholly or in part through the fault of the sender.

### **16 Insurance of postal packets**

The Minister may provide for the insurance of postal packets subject to such terms and conditions as may be prescribed and may enter into any agreement with any postal authority for the reciprocal exchange of insured postal packets.

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## PART VI - MONEY ORDERS

### 17 Provision of money orders

- (1) The Minister may provide for the remittance of sums of money by means of money orders through the postal and telegraphic services.
- (2) The Minister may from time to time determine at what post offices money orders may be issued and paid.

### 18 Exemption from liability in respect of money orders

The Minister shall not incur liability for any loss caused by —

- (a) anything done under any regulation made hereunder;
- (b) the payment of a money order;
- (c) delay in payment of a money order; or
- (d) any other irregularity in connection with a money order,

and no officer of the post office shall incur any such liability unless he has caused the same fraudulently.

## PART VII - CARRIAGE OF MAIL

### 19 Minister may enter into mail contracts

- (1) The Minister may enter into a contract with any person for the conveyance by sea or air of postal packets to or from Tuvalu.
- (2) The Minister may enter into such contracts for the conveyance of postal packets by land, by sea or by air within Tuvalu as may be deemed necessary or expedient, or for any other public service performed in respect of the carriage of mail.

### 20 Penalty for refusing to receive mail on board

- (1) Every master or person in charge of any vessel about to depart from any port in Tuvalu to any port or place beyond Tuvalu and every commander of an aircraft about to depart to a place beyond Tuvalu shall, if required by any officer of the post office or by any port officer or by any person duly authorised in that behalf, receive mail on board such vessel or aircraft, and give a receipt for the same if thereto required by the person tendering or delivering such mail, and carefully deposit such mail in some secure and dry

place on board such vessel or aircraft, and convey the same upon her then intended voyage or flight.

- (2) If any such master, commander or person fails to comply with subsection (1) he shall be liable to a fine of \$200.

## **21 Payment for conveyance of mails by non-contract vessels**

Every master or person in charge of any vessel and every commander of an aircraft about to depart from any port or place in Tuvalu to a place beyond Tuvalu, who receives on board thereof any mail in pursuance of the preceding section, shall be entitled to demand and receive for the carriage thereof payment at the rates prescribed by the Universal Postal Union.

## **22 All mails and postal packets arriving by vessel to be delivered to post office by master**

All mail bags which, at the time of the arrival of any vessel or aircraft at any place in Tuvalu from any place beyond the same, shall be on board thereof directed to that place shall be delivered to the officer in charge of the post office or port officer of such place or port or to any person duly authorised in that behalf; and any person who shall knowingly or negligently detain or keep in his possession, or shall neglect or refuse to deliver, any mail or postal packet shall be liable to a fine of \$200.

## **23 Carriage of internal mail**

- (1) The Minister may require masters or persons in charge of any inter-islands vessel, commanders of aircraft operating a service internal to Tuvalu, public transport operators or persons in charge of any vehicle licensed as a public service vehicle under the provisions of the Traffic Act<sup>3</sup> to receive, carry and deliver mail at the several places at which they may call.
- (2) The remuneration for any services rendered by a person under subsection (1) shall be determined by agreement between the Postmaster and that person or, in default of agreement, by the Minister.
- (3) Every master, commander, public transport operator or person in charge who shall wilfully neglect to receive, carry or deliver such mails shall, for every such offence, be liable to a fine of \$20.

# **PART VIII - OFFENCES AND PENALTIES**

## **24 Penalty for contravention of section 5**

Any person who, except with the authority of the Minister —

- (a) conveys, sends, or delivers otherwise than by post a letter within the exclusive privilege conferred on the Minister by the provisions of section 5; or
- (b) performs any service incidental to conveying otherwise than by post any letter within the exclusive privilege aforesaid; or
- (c) sends or tenders or delivers in order to be sent otherwise than by post a letter within the exclusive privilege aforesaid; or
- (d) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by post; or
- (e) carries, receives, tenders, delivers or collects letters in contravention of section 5(3),

shall in respect of each letter be liable to a fine of \$10.

## **25 Penalty for contravention of sections 10 and 11**

- (1) Any person who in contravention of section 10 or section 11 sends or tenders or makes over in order to be sent by post any postal packet or article shall be liable to imprisonment for 1 year and to a fine of \$200.
- (2) The detention in the post office of any postal packet by reason of the contravention of section 10 or section 11 shall not exempt the sender from any proceedings which might have been taken if the postal packet had been delivered in due course by post.

## **26 Fraudulently issuing money orders**

If any officer of the post office grants or issues any money order with a fraudulent intent, he shall be liable to imprisonment for 5 years.

## **27 Unlawfully taking away or opening mail carried by aircraft, vessel or vehicle**

If any person unlawfully takes away or opens a mail bag carried in pursuance of arrangements made by the Minister by any vessel, aircraft or vehicle, or unlawfully takes a postal packet in course of transmission by post out of a mail bag so sent, he shall be liable to imprisonment for 5 years.

## **28 Fraudulent detention of mail bag or postal packets**

If any person fraudulently retains or wilfully secretes or keeps or detains or when required by an officer of the post office neglects or refuses to deliver up —

- (a) any postal packet which is in course of transmission by post and which ought to have been delivered to any other person; or

- (b) any postal packet in course of transmission by post or any mail bag which shall have been found by him or by any other person,

he shall be liable to a fine of \$100 and to imprisonment for 6 months.

## **29 Falsely inducing delivery of or opening postal packets**

Any person who —

- (a) shall by means of any false pretence or misstatement cause any officer of the post office to deliver any postal packet to any person other than to the person to whom it is addressed; or
- (b) not being an officer of the post office wilfully and with intent to cause loss or damage to any other person or to obtain some benefit for himself opens any postal packet addressed to that other person which is in the course of transmission by post or which has been transmitted by post,

shall be liable to a fine of \$100.

## **30 Prohibition of imitation of post office stamps etc.**

- (1) A person shall not without due authority make on any envelope, wrapper, card, form or paper sent by post any mark in imitation of or similar to or purporting to be any stamp or mark of any post office or any words, letters or marks which purport to signify or imply that the postal packet is sent on Her Majesty's behalf or on Government service.
- (2) If any person acts in contravention of this section he shall be liable to a fine of \$50.

## **31 Opening, delaying etc. of postal packets**

If any officer of the post office contrary to his duty opens or tampers with or procures or suffers to be opened or tampered with any postal packet in course of transmission by post or wilfully conceals, detains or delays or procures or suffers to be concealed, detained or delayed any such postal packet he shall be liable to imprisonment for 12 months:

Provided that nothing in this section shall extend to the opening, detaining or delaying of a postal packet under the authority of this Act or regulations made hereunder.

## **32 Further offences by officers of the post office**

Any officer of the post office or any master of a vessel or commander of an aircraft or member of its crew, or any other person employed or authorised by or under any officer in charge of a post office to receive, sort, carry or deliver any mail or postal

packet sent by post, who shall offend against, or wilfully neglect, or omit to comply with any of the provisions of this Act, or with the provisions of any regulations which may be made under this Act and for which no penalty is provided, shall be liable to a fine of \$100.

### **33 Penalty for obstructing mail**

Any person who shall wilfully obstruct or retard the conveyance or delivery of any mail or any officer of the post office in the performance of his duty shall be liable to a fine of \$50.

### **34 Placing injurious substance in or against letter boxes etc**

Any person who shall place or attempt to place in or against any posting box or other receptacle erected for the reception of postal packets any fire, match, light, explosive substance, filth or dangerous, noxious or deleterious substance or fluid, and any person who shall commit a nuisance in or against any such posting box or other such receptacle or do or attempt to do anything likely to injure such posting box or other receptacle or its appurtenances or contents shall be liable to imprisonment for 12 months.

### **35 Evidence of thing being postal packet**

- (1) On the prosecution of any offence under this Act evidence that any article is in the course of transmission by post or has been accepted on behalf of the post office for transmission by post shall be sufficient evidence that the article is a postal packet.
- (2) Every mail bag or postal packet in charge of or being carried by any officer of the post office or other person employed by or under the post office shall in every proceeding whatsoever be deemed to be in the course of transmission by post unless the contrary be proved.

## **PART IX - REGULATIONS**

### **36 Regulations**

The Minister may make regulations for the carrying out of the provisions of this Act and particularly for —

- (a) the receipt, despatch, carriage and delivery of postal packets;
- (b) the fees to be charged for the conveyance of postal packets or for any other service rendered under this Act or regulations made hereunder;
- (c) the dimensions and weights of postal packets;

- (d) the registration of postal packets;
- (e) the franking of official postal packets;
- (f) the treatment of undeliverable postal packets;
- (g) the conditions under which private boxes and private mail bags may be hired;
- (h) the supply, sale and use of postage stamps;
- (i) the insurance of postal packets;
- (j) the operation of the money order service.

## ENDNOTES

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<sup>1</sup> 1990 Revised Edition, Cap. 65 – Act 1 of 1977

<sup>2</sup> Cap. 26.04

<sup>3</sup> Cap. 50.10