

ELIZABETH II



Territories of South Georgia and the South Sandwich Islands

NIGEL ROBERT HAYWOOD C.V.O.,
Commissioner.

Postal Services Ordinance 2011

(No. 4 of 2011)

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POSTAL SERVICES ORDINANCE 2011

(No. 4 of 2011)

(enacted: 25 August 2011)

(published: 9 September 2011)

(commencement: on publication)

AN ORDINANCE

To provide for postal services in the Territory; to repeal the Post Office Ordinance^(a) in relation to the Territory; and for connected purposes.

ENACTED by the Commissioner of South Georgia and the South Sandwich Islands—

1. Title

This Ordinance is the Postal Services Ordinance 2011.

2. Commencement

This Ordinance comes into force when it is published in the Gazette.

3. Interpretation

In this Ordinance —

“aerogramme” means a letter written on a form consisting of a single sheet of paper suitably folded and gummed on all sides, which is sold by the Post Office for the purpose of being used to send messages by air mail;

“frank” means stamp with a postmark to indicate date and place of mailing;

“inland” means, in relation to a postal article, one sent —

(a) within South Georgia and the South Sandwich Islands;

^(a) Cap.52, Laws of the Falkland Islands (1950 Edition), as it applies to South Georgia and the South Sandwich Islands under the Application of Colony Laws Ordinance (Cap. 1, Dependencies Series).

(b) to the Falkland Islands; or

(c) to the British Antarctic Territory;

“postal article” means an article received by a postal officer for transmission by post;

“postal services” includes —

(a) the issue and sale of postage stamps for the Territory; and

(b) the transmission of postal articles by post;

“properly stamped” means, in relation to a postal article, that it bears postage stamps or markings which indicate that, when the article was posted in the Territory or in another country, the rates for postage, as determined under this Ordinance or under the law of the other country, were paid;

“transmission by post” means —

(a) transmission within the Territory by authority of the Commissioner for the purposes of the Ordinance; or

(b) transmission to a place outside the Territory in accordance with arrangements in force between the Commissioner and the postal administration of any other country.

4. Provision of postal services

(1) The Commissioner —

(a) is to ensure that postal services are provided in accordance with this Ordinance;

(b) may authorise a postal administration for that purpose; and

(c) may appoint a Postmaster to be responsible for the provision of postal services in the Territory in accordance with this Ordinance.

(2) Except as provided by this Ordinance, no person may provide (or purport to provide) postal services for the Territory.

(3) A person who breaches subsection (2) commits an offence.

5. Postal articles not accepted for transmission by post

The Commissioner may determine that a postal article (or class of articles) will not be accepted for transmission by post, including postal articles that are not properly addressed or stamped.

6. Postal rates

(1) The Commissioner will set postal rates for the Territory.

(2) The postal rates set out in the Schedule —

(a) are deemed to have been in force for the Territory since 1 July 2010; and

(b) will remain in force until the Commissioner determines other postal rates under subsection (1).

7. Postage stamps

- (1) The Commissioner may authorise the issue of postage stamps of any denomination or design for use in the Territory.
- (2) The Commissioner may determine that a postage stamp previously issued by authority of the Commissioner will cease to be authorised for use from a specified date.
- (3) Only authorised postage stamps are valid for use in the Territory.

8. Weight limitations

An item will not be accepted for transmission —

- (a) as an overseas letter or as a small packet, if it exceeds 2 kilograms in weight;
- (b) as an overseas air mail parcel;
- (c) as an overseas surface mail parcel, if it exceeds 30 kilograms in weight;
- (d) as an inland letter, if it exceeds 2 kilograms in weight; or
- (e) as an inland parcel, if it exceeds 10 kilograms in weight.

9. Aerogrammes

(1) An aerogramme will not be accepted for transmission by air mail —

- (a) if it has any enclosure; or
- (b) if it is not sufficiently stamped for transmission as an aerogramme by air mail.

(2) Where, under subsection (1), an aerogramme is not accepted for transmission by airmail, it may, at the discretion of the Postal Officer or Postmaster, be accepted for transmission by surface mail if it is sufficiently stamped for such transmission.

10. Small packets

(1) A class of postal packets called "small packets" is authorised with the object of affording facilities, in the inland and international postal service, for the transmission of small articles of merchandise in the letter mail.

(2) The exchange of small packets in the international service is limited to those countries that have agreed to participate in the service.

(3) The prohibitions applicable to letter post apply equally to the service of small packets.

(4) The following are additionally excluded from transmission in small packets —

- (a) letters, notes or documents having the character of actual and personal correspondence, which —
 - (i) includes tapes, disks or wires bearing recordings of current and personal messages; but

(ii) does not include open invoices reduced to their simplest form (consisting of the addressee's address, the description of the article and the sender's address);

(b) coins;

(c) banknotes;

(d) currency notes;

(e) negotiable instruments payable to the bearer;

(f) platinum, gold or silver (manufactured or not);

(g) precious stones;

(h) jewels and other valuable articles; and

(i) postage stamps, whether obliterated or not.

(5) A small packet must be marked with the words "small packet" in the top left-hand corner of the front of the packet.

(6) A small packet addressed to a destination outside the Territory must have securely fixed to it an International Customs Declaration Form in a form approved by the Universal Postal Union (and obtainable from the postal authorities) which has been fully and properly completed by the sender.

(7) A small packet not complying with subsections (4), (5) or (6) will not be accepted for transmission in the letter mail.

(8) Where, under subsections (4), (5) or (6) or under section 8(a), a small packet is not accepted for transmission in the letter mail, it will be treated as a parcel and be charged for and transmitted accordingly.

(9) Small packets may be registered but not insured.

11. Exemptions from postage

(1) The following postal articles may be accepted for transmission by mail without the pre-payment of postage —

(a) postal articles originating in a department of the Government, posted in the Territory and bearing —

(i) the words "On Her Majesty's Service" conspicuously marked at the top of the front of the item; and

(ii) in the lower left-hand or right-hand corner of the front of the article the official departmental stamp; and

(b) postal articles sent on postal business by the postal authorities.

(2) Postage will ordinarily be prepaid by affixing adhesive postage stamps obtained from the postal authorities but, by arrangement between the sender and the Postmaster, may be prepaid by use of a

franking machine approved by the Postmaster and subject to compliance with such conditions the Postmaster may specify.

12. Unpaid or underpaid postage

(1) Where the postage payable on any postal article has not been prepaid or has not been fully prepaid, a surcharge is payable —

(a) by the addressee on its delivery; or

(b) by the sender, if it is refused or cannot be delivered.

(2) Surcharges on any postal article that has not been prepaid or has not been fully prepaid will be calculated as —

(a) in the case of an overseas postal article, according to the Detailed Regulations of the Universal Postal Union; and

(b) in the case of an inland postal article, double the postage or double the deficiency as the case may be.

(3) An air mail packet on which either none or only part of the postage payable on it has been paid may be dealt with as if it were not an airmail packet.

(4) A postal article which is not properly stamped will not be delivered unless the surcharge is paid.

(5) The surcharge marked on the postal article by the postal administration (of the Territory or of another country) is evidence of the amount payable unless the contrary is proved.

13. Undelivered postal articles

(1) A postal article not collected within three months from the posting or a notification of arrival may be returned to the sender or otherwise disposed of as the Postmaster thinks fit.

(2) A fee payable under this section is payable in cash in such manner as the Postmaster may direct.

14. Registration

(1) The fees for registration are —

(a) inland - 75 pence; and

(b) overseas - £3.50.

(2) The maximum limit of compensation for the loss of a registered postal packet is —

(a) £20, where the overseas fee has been paid; and

(b) £10 otherwise.

15. Insurance

(1) Insurance is available only in relation to letters and parcels addressed to an address in the United Kingdom and any other country for the time being notified by the Postmaster.

(2) Insurance charges are £3 and the maximum insured value is £300.

16. Parcels and customs declarations

(1) Subsection (2) applies to parcels addressed to destinations outside the Territory.

(2) A parcel to which this subsection applies must have securely fixed to it an International Customs Declaration Form in a form approved by the Universal Postal Union (and obtainable from the postal authorities) which has been fully and properly completed by the sender.

17. Postal officer

(1) The Commissioner may authorise one or more persons to perform the functions of postal officer for the Territory, and may confer any power necessary for the postal officer to do so.

(2) A person authorised to perform the functions of postal officer may perform those functions wherever necessary.

(3) A person who performs or purports to perform the functions of a postal officer when not authorised commits an offence.

18. Duties and powers of a postal officer

(1) The duties of a postal officer are —

(a) to receive, frank and keep safe all postal articles;

(b) to arrange for the onward transmission of all postal articles; and

(c) to exercise any other duties as required by the Commissioner.

(2) A postal officer has the power of detention, examination, opening and disposal of postal articles as authorised by the Commissioner.

19. Departing vessel to give notice

(1) The captain of a vessel which is about to depart Cumberland Bay must give notice to a postal officer of the vessel's intended departure, not less than 12 hours before the intended departure time.

(2) The captain of the vessel must answer the questions of a postal officer about the ship and the ship's intended voyage if those questions are relevant to the carriage of mail.

20. Duty to carry mail

(1) A captain of a vessel must carry on the vessel any mail supplied by a postal officer.

(2) Any mail so supplied and carried on a ship must be kept dry and secure, and must be entered on the ship's customs manifest as soon as practicable.

21. Refusal to receive or deliver mail

A captain of a vessel commits an offence who —

(a) refuses to receive mail from or on behalf of a postal officer or wilfully delays in the receipt of mail;

(b) refuses, neglects or wilfully delays the delivery of the mail at the port of destination.

22. Payment for carrying mail

The postal officer who receives mail from a vessel's captain will, on demand, pay to the captain such sum as the Commissioner may determine.

23. Determination by the Commissioner

(1) Where any matter is determined by the Commissioner under this Ordinance, the Commissioner may publish a notice of that determination in the Gazette.

(2) A person may not be convicted of an offence under this Ordinance in connection with a determination by the Commissioner if that determination had not been notified in the Gazette at the time of the alleged offence.

24. Offences

(1) An offence under this Ordinance may only be tried summarily by the Magistrate's Court.

(2) A person convicted of an offence under this Ordinance is liable to a fine or to imprisonment for a term not exceeding two years or both a fine and such imprisonment.

(3) In subsection (2), "a fine" means a fine of such amount as the Magistrate's Court sees fit to impose having regard to the gravity and consequences of the offence, and the need to discourage others from committing like offences and the means and circumstances of the offender.

25. Postal article deemed to be property of Commissioner

A postal article is deemed to be the property of the Commissioner for the purposes of laying an information in relation to it.

26. Repeal and revocation

The Post Office Ordinance^(a) is repealed in relation to the Territory, and all orders made under that Ordinance are revoked in relation to the Territory.

SCHEDULE

(section 6(2))

<u>Airmail Rates</u>		£
Letters	First 20g	0.70
	each extra 10 g	0.25
Small packets	First 70 g	1.15
	each extra 10 g	0.14
Postcard		0.60
Aerogramme		0.60
Illustrated aerogramme		0.70
Registration Fee		3.50

^(a) Cap.52, Laws of the Falkland Islands (1950 Edition), as it applies to South Georgia and the South Sandwich Islands under the Application of Colony Laws Ordinance (Cap. 1, Dependencies Series).

<u>Surface rates</u>		£
Letters	First 20g	0.45
	up to 100 g	0.90
	each extra 50 g	0.35
Small packets	First 100 g	0.80
	each extra 50 g	0.25
Postcard		0.35
Parcels to UK	First kg	10.00
	each extra kg	4.00
	(max 30 kg)	
<u>Inland Rates</u>		£
Letter	First 20g	0.27
	up to 100 g	0.42
	each extra 50 g	0.15
Small packets	First 70 g	0.23
	each extra 50 g	0.07
Postcard		0.20
Registration Fee		0.75

Enacted this 25th day of August 2011.

N. R. Haywood C.V.O.,
Commissioner.