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**CHAPTER 300**

## POST OFFICE

**An Act relating to the Post Office.**

*[Commencement 21st March, 1914]*

1. This Act may be cited as the Post Office Act.

2. In this Act, unless the context otherwise requires —

“mail” includes every conveyance by which postal packets are carried, whether it be a carriage, cart, dray, horse or any other conveyance, and also a person employed in conveying or delivering postal packets, and also any vessel or boat employed by or under the post office for the transmission of postal packets by contract or otherwise in respect of postal packets transmitted by the vessel or boat;

“mail bag” includes a bag, box, parcel or any other envelope or covering in which postal packets in course of transmission by post are conveyed, whether it does or does not contain any such packets;

“Minister” means the Minister responsible for Postal Services;

“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;

“postage” means the duty chargeable for the transmission of postal packets;

“post office” includes any house, building, room, carriage or place used for the purpose of the post office, and any post office letter box;

“postal packet” means a letter, post card, newspaper, book packet, or parcel or every packet or article transmissible by post;

*16 of 1914*

*5 of 1917*

*32 of 1925*

*2 of 1939*

*7 of 1952*

*43 of 1964*

*20 of 1965*

*E.L.A.O., 1974*

*S.I. 51/1976*

*5 of 1987*

*20 of 1989*

Short title.

Interpretation.

*E.L.A.O., 1974.*

*5 of 1987, Sch.*

5 of 1987, Sch.

“prohibited article” means any postal packet containing or bearing any fictitious postage stamp, that is to say, any facsimile, or imitation or representation of any stamp for denoting any rate or duty of postage, including any stamp for denoting a rate or duty of postage of The Bahamas, or any country of the Commonwealth, or of any foreign country; or purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal packet, or any other revenue duty or tax;

“rules” means the rules made under this Act.

#### *Duties of Postage*

Postal packet  
subject to charge.  
20 of 1989, s. 2.

**3.** (1) Subject to the provisions of this Act, there shall be charged, raised, levied and collected by the Postmaster-General for payment into the Consolidated Fund on all packets which are conveyed or delivered for conveyance by post under the authority of the Postmaster-General such postage and other sums as may be fixed in the manner provided by this Act.

(2) All postage and other charges imposed under subsection (1) shall be prepaid by means of postage stamps, impressions of meter franking machines used under licence issued by the Minister, or official post office stamping dies which shall be affixed to all postal packets liable to such postage to the amount of the rates of postage payable thereon.

Power of  
Minister to fix  
rates of postage.  
E.L.A.O., 1974.

**4.** The Minister may, by Order, fix the rates of postage and other sums to be charged in respect of postal packets under this Act, and regulate the scale of weights and the circumstances according to which those rates and sums are to be charged.

Payment of  
postage by  
addressee or  
sender.

**5.** (1) Where the postage or any other sum chargeable on any postal packet is not prepaid by the sender or is insufficiently prepaid, the postage or sum, or the deficiency, as the case may be, shall be paid by the person to whom the postal packet is addressed (in this Act styled the addressee) on the delivery thereof to him; or, if the postal packet is refused, or the addressee is dead or cannot be found, by the sender.

(2) Where the postage or any other sum chargeable on a postal packet has not been prepaid or has been insufficiently prepaid by the sender, and the addressee on receiving the packet and paying the postage or other sum, or the deficiency, as the case may be, desires to reject it, and to compel the sender thereof to pay the postage or other sum or the deficiency, as the case may be, the Postmaster General on the application of the addressee, and subject to the rules, may charge the postage or other sum, or deficiency, as the case may be, to the sender, with the additional postage of returning the packet to him, and in every such case the sender of the postal packet shall pay the postage or other sum chargeable on sending the packet, or the deficiency, as the case may be, and also the postage or returning the packet, and on the payment thereof by the sender the amount paid in respect of postage by the addressee shall be repaid to him by the Postmaster General.

(3) Nothing in this section shall release the addressee from his liability to pay the postage or other sum chargeable on a packet or any deficiency thereon on the delivery thereof to him.

6. All postage and other sums payable under this Act in respect of postal packets may be sued for and recovered, without limit as to amount, summarily at the suit and in the name of the Postmaster-General.

Recovery of postage.  
*20 of 1989, s. 3.*

7. In any proceeding for the recovery of postage or other sums payable in respect of postal packets —

Post office mark evidence of refusal, etc.

- (a) the production of any postal packet in respect of which any such postage or sum is sought to be recovered, having thereupon a post office stamp denoting that the packet has been refused or rejected, or that the addressee was dead or could not be found, shall be *prima facie* evidence of the fact denoted;
- (b) the person from whom any postal packet in respect of which any such 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.

Official mark  
to be evidence  
of amount of  
postage.  
*20 of 1989, s. 4.*

**8.** (1) The official mark of any sum of any postal packet as due in respect of that packet to the post office of The Bahamas or of any foreign country shall in every court be received as sufficient proof of the liability of the packet to the sum so marked unless the contrary is shown, and the sum shall be recoverable without limit as to amount summarily as postage at the suit and in the name of the Postmaster-General.

(2) In any such proceedings as mentioned in subsection (1) or section 7, a certificate purporting to be signed by the Postmaster-General that any mark or stamp is such a mark or stamp as is mentioned in those provisions shall be sufficient proof thereof unless the contrary is shown.

Provision for  
stamps.

**9.** All duties of postage and other sums in respect of postal packets payable in pursuance of this Act, or any order made under this Act, shall be chargeable as stamp duties, and all Acts relating to stamp duties shall apply accordingly.

*Conditions of Transit of Postal Packets*

Rules as to postal  
packets.

**10.** All postal packets shall be posted, forwarded, conveyed and delivered subject to such provisions, conditions, prohibitions and restrictions respecting the time and mode of posting and delivery, and of the payment of postage and other sums in respect thereof chargeable under this Act or any order made under this Act, and respecting the registration of, and giving receipts for, and giving and obtaining certificates of posting and delivery of, any postal packet, and the sums to be paid in addition to any other postage for that registration, receipt or certificate, and respecting stamps, dies with advertisements or slogans, covers, form, dimensions, maximum weight, enclosures, the use of packets (other than letters) for making communications and otherwise, as may be directed by the rules.

*20 of 1989, s. 5.*

Liability for loss  
of postal packets.

**11.** The registration of or giving 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 Postmaster General or the post office revenue in any manner liable for the loss of the packet or the contents thereof.

**12.** Rules may be made for preventing the sending or delivery by post of indecent or obscene prints, paintings, photographs, lithographs, engravings, books or cards, or of other indecent or obscene articles, or of letters, newspapers, supplements, publications, packets or post cards having thereon, or on the covers thereof, any words, marks or designs of an indecent, obscene, libellous or grossly offensive character or for preventing the sending or use of any prohibited article.

Rules for preventing sending by post indecent articles, etc.

*20 of 1989, s. 6.*

**13.** (1) If any postal packet is posted or sent by post in contravention of this Act, or of any rule made thereunder, the transmission thereof may be refused, and the packet may, if necessary, be detained and opened in the post office, and shall be either returned to the sender thereof, or forwarded to its destination, in either case charged with such additional postage at a rate not exceeding the letter rate of postage, or without any additional charge, as the rules may direct.

Dealing with postal packets not sent in conformity with Act.

(2) The authority given to the Postmaster General by subsection (1) of this section may be exercised by him in all respects in cases where the postal packet dealt with thereunder is or has been posted without The Bahamas.

**14.** (1) The Postmaster General may detain any postal packet suspected to contain any contraband goods, and forward the packet to the Comptroller of Customs and the Comptroller of Customs, in the presence of the person to whom the packet is addressed, or if, after notice in writing from him requiring his attendance, left at or forwarded by post to the address on the packet, he fails to attend, then in his absence, may open and examine the packet, and, if he finds any contraband goods, may detain the packet and its contents for the purpose of prosecution; and, if he finds no contraband goods, shall either deliver the packet to the person to whom it is addressed, upon his paying the postage, if any, chargeable thereon or, if he is absent, shall forward the packet to him by post.

Postal packets with contraband goods.

*20 of 1989, s. 7.*

(2) This section shall not apply to official consular correspondence.

*7 of 1952, s. 2.*

**15.** 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 order made under this Act, the decision thereon of the Postmaster General shall be

Decisions as to postal packets.

*E.L.A.O., 1974.*

final, save that the Minister may, if he thinks fit, on the application of any person interested, reverse or modify the decision, and order accordingly.

Minister to continue to maintain money order system.  
*2 of 1939, s. 2.*

*43 of 1964, Third Sch.;*  
*E.L.A.O., 1974.*

**16.** It shall be lawful for the Minister to continue to maintain the existing money order system for the granting of money orders on postmasters in the Commonwealth, or any foreign state, and the payment of any orders drawn by such postmasters on the Postmaster General, and to establish such a system with any other part of the Commonwealth or any other foreign state, and from time to time to modify, amend, abolish, cancel or rescind any such system.

#### *British Postal Orders*

British postal orders.  
*E.L.A.O. 1974.*

**17.** It shall be lawful for the Minister to continue to maintain the existing arrangements under which British postal orders are issued, and paid in The Bahamas, and from time to time modify, amend, abolish, cancel or rescind such arrangement.

Loss on forged orders.

**18.** (1) The loss resulting from the payment of a forged order in the United Kingdom or in The Bahamas shall be shared between the United Kingdom and The Bahamas in such proportion as may be agreed on by the proper authorities in the United Kingdom and the Governor-General.

(2) Such proportionate share of loss to be borne by The Bahamas shall be paid out of the Consolidated Fund by warrant in the usual manner.

#### *Postal Union*

Governor-General to arrange continuance of The Bahamas in Postal Union.  
*20 of 1989, s.19.*

Governor-General to continue to maintain and to extend parcel post.  
*2 of 1939, s.3.;*  
*43 of 1964, Third Sch.*

**19.** The Governor-General may from time to time make the necessary arrangements with the proper authorities to enable The Bahamas to continue a member of the International Postal Union.

**20.** It shall be lawful for the Governor-General to continue to maintain the existing arrangements under which a parcel post exists between The Bahamas and any part of the Commonwealth or any foreign state, and from time to time to modify, amend, abolish, cancel or rescind



such arrangements and to establish a parcel post between The Bahamas and any other part of the Commonwealth or any other foreign state, and from time to time modify, amend, abolish, cancel or rescind the same.

**21.** (1) Any loss resulting from loss of or damage to a postal parcel shall be shared between any such part of the Commonwealth and The Bahamas or between any such foreign state and The Bahamas respectively in such proportions as may be agreed on by the proper authorities in any such part of the Commonwealth, or in any such foreign state, respectively, and the Governor-General.

Loss on parcels.  
2 of 1939, s.4.

(2) Such proportionate share of loss to be borne by The Bahamas shall be paid out of the Consolidated Fund by warrant in the usual manner.

#### *Ship Letters*

**22.** (1) Every master of a vessel outward bound shall receive on board his vessel every mail bag tendered to him by an officer of the post office for conveyance, and having received it shall deliver it, on arriving at the port or place of his destination, without delay.

Duties of masters of outward bound vessels as respects mail bags.

(2) If he fails to comply with this section he shall forfeit eight hundred dollars.

5 of 1987, s.2.

**23.** (1) Every master of a vessel arriving at any port of entry shall collect all postal packets on board his vessel being within the exclusive privilege of the Postmaster General, and not being letters by this Act defined as shipowners' letters, and without delay deliver those packets to the proper officer of the post office demanding them, or, if no demand is made by that officer, then at the post office at such port.

Duties of masters of inward bound vessels as respects postal packets.

(2) The master of every such vessel shall, at the port where the vessel reports, sign, in the presence of the proper officer of the post office or other person authorised by the Postmaster General, a declaration of compliance with this Act (which may be in the form contained in the Schedule to this Act), and shall not break bulk or make entry of any part of her cargo in any port until he has complied with this section. The declaration shall also be signed by the person in whose presence it is made.

Schedule.

(3) If the master of a vessel does not duly deliver any postal packets in accordance with this section, he shall forfeit eight hundred dollars.

*5 of 1987, s.2.*

(4) If the master of a vessel refuses or wilfully neglects to make the declaration required by this section, he shall forfeit two hundred dollars.

*5 of 1987, s.2.*

(5) If the master of a vessel breaks bulk or makes entry before the postal packets on board his vessel have been delivered in accordance with this section he shall be liable on summary conviction to a fine of eighty dollars.

*5 of 1987, s.2.*

Penalty for  
master of vessel  
opening mail  
bag.

**24.** (1) If a master of a vessel —

- (a) opens a sealed mail bag with which he is entrusted for conveyance;
- (b) takes out of a mail bag with which he is entrusted for conveyance any postal packet or other thing,

he shall forfeit eight hundred dollars.

*5 of 1987, s.2.*

(2) If any person to whom postal packets have been entrusted by the master of a vessel to be brought on shore breaks the seal, or in any manner wilfully opens them, he shall on summary conviction be liable to a fine of eighty dollars.

*5 of 1987, s.2.*

Duties of officers  
of customs as to  
delivery of letters  
by masters of  
vessels.

**25.** (1) An officer of customs shall not allow any inward bound vessel to report until the declaration required by this Act with respect to postal packets has been made and produced to him, and may refuse to permit bulk to be broken on board such a vessel or entry to be made of any part of her cargo until the postal packets on board the vessel have been delivered as required by this Act, and may search every such vessel for postal packets which may be on board contrary to this Act, and may seize the same and forward them to the nearest post office.

*20 of 1989, s.10.*

(2) For the purposes of this section and of sections 23, 24, 26, 27 and 28 —

- (a) references to a vessel or a ship include references to an aircraft; and
- (b) references to a master of a vessel include references to the commander or pilot of an aircraft.

**26.** (1) The following letters (in this Act referred to as shipowners' letters), that is to say, letters of the owners, charterers or consignees of vessels inward bound, and of the owners, consignees or shippers of goods on board those vessels, when complying with the conditions hereinafter mentioned shall be delivered to the owners, charterers, consignees or shippers by the master free of postage, and the persons to whom they are to be delivered shall be entitled to the delivery thereof before the delivery of the other letters to the post office:

Shipowners' letters.

Provided that —

- (a) the owner, charterer or consignee shall be described as such on the address and super-scription; and
- (b) in the case of the owners, shippers or consignees of goods, it shall also appear by the ship's manifest that they have goods on board the vessel.

(2) If any person with intent to evade any postage falsely superscribes a letter as being the owner or charterer or consignee of the vessel conveying the letter, or as the owner or the shipper or the consignee of goods shipped on the vessel, he shall for each offence be liable on summary conviction to a fine of forty dollars.

*5 of 1987.s.2.*

**27.** The rules may provide for the allowance to masters of vessels in respect of postal packets, or any description thereof, conveyed by them on behalf of the post office, of such gratuities under such conditions and restrictions as the Minister may, from time to time, think fit.

Gratuities to masters of vessels.

*E.L.A.O., 1974.*

**28.** If any person, being either the master or one of the officers or crew of a vessel inward bound, or a passenger thereof, knowingly has in his baggage or in his possession or custody any postal packet, except a postal packet not within the privilege of the Postmaster General, after the master has sent any part of the postal packets on board his vessel to the post office, he shall for every such packet be liable on summary conviction to a fine of twenty dollars; and, if he detains any such packet after demand made, either by an officer of customs or by any person authorised by the Postmaster General to demand the postal packets on board the vessel, he shall for every postal packet be liable on summary conviction to a fine of forty dollars.

Retention of letters after delivery of letters to post office.

*5 of 1987, s.2.*

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*Legal Proceedings*

Punishment of offences in relation to postal orders, and the poundage thereon.

**29.** The provisions of any Act respecting the punishment of offences connected with stamp duties shall apply in like manner as if any poundage or commission chargeable for a postal order were stamp duty, and as if the paper used for postal orders were paper provided by the Treasurer.

Provisions as to form of proceedings.

**30.** (1) In any legal proceedings for any offence committed or attempted to be committed, or in any malicious, injurious or fraudulent act or thing done in, upon or with respect to the post office or the post office revenue, or any mail bag, postal packet, money order or any chattel, money or valuable security, sent by post, or in anywise concerning any property under the management or control of the Postmaster General it shall be sufficient to allege the property to belong to the Postmaster General of The Bahamas, and to allege any such act or thing to have been done with intent to injure or defraud such Postmaster General, without in either case naming the person who is Postmaster General, and it shall not be necessary to allege or to prove upon the trial or otherwise that the mail bag, postal packet, money order, chattel, money, security or property is of any value.

(2) In any legal proceeding against any officer of the post office for any offence committed against this Act, it shall be sufficient to allege that the alleged offender was an officer of the post office at the time of the committing of the offence, without stating further the nature or particulars of his employment.

Evidence of article being a postal packet.

**31.** On the prosecution of any offence under this Act, whether on summary conviction or on information, evidence that any article is in the course of transmission by post, or has been accepted on behalf of the Postmaster General for transmission by post, shall be sufficient evidence that the article is a postal packet.

Power to compound actions.

**32.** The Postmaster General, with the approval of the Attorney-General, may compromise and compound any legal proceeding against any person for recovering any fine or forfeiture incurred under this Act, on such terms and conditions as the Postmaster General in his absolute discretion thinks proper, with full power for him, or any of

his officers or agents authorised by him for the purpose to accept any fine or forfeiture so incurred or alleged to be incurred, or any part thereof, without any legal proceeding for recovery thereof.

**33.** When proceedings are taken before any court against a person in respect of an offence under this Act, which is also an offence punishable at common law, or under some Act other than this Act, the court may direct that instead of those proceedings being continued, proceedings shall be taken for punishing that person at common law, or under some Act other than this Act.

Saving clause as to liability.

**34.** All fines, forfeitures and other sums recovered in respect of an offence under this Act shall, notwithstanding anything in any other Act, be paid into the Consolidated Fund.

Application of fines.

#### *Construction*

**35.** For the purpose 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 a post office to the time of its being delivered to the person to whom it is addressed;
- (b) the delivery of a postal packet of any description into a letter box provided by the Postmaster-General for the purpose or to a person authorised to receive postal packets of that description for the post shall be a delivery to a post office;
- (c) the delivery of a postal packet into the private post office box to which or of the person to whom the packet is addressed, or to him or to his servant or agent or other person considered to be authorised to receive the packet, according to the usual manner of delivering that person's postal packets, shall be a delivery to the person addressed.

Meaning of “in course of transmission by post” and “delivery to or from a post”.

20 of 1989, s.13.

20 of 1989, s.13.

#### *Postmaster and Officers*

**36.** The officers of the post office department shall give daily attendance thereat on the days and during the hours prescribed by any Act prescribing the hours of

Attendance of officers.

attendance of public officers, and such officers shall give further attendance at the said office on all such other days and at all such other hours as may be necessary to insure the prompt receipt of mails and early distribution and delivery of postal packets, and also for the making up and despatch of mails from the said office.

Out Island postal packets.

**37.** The Postmaster General shall forward to the several district postmasters at the Out Islands all postal packets received at the post office in Nassau directed to residents at any such Out Island.

District postmasters to be appointed.  
*E.L.A.O., 1974.*

**38.** (1) The Minister may, with the consent of the Minister responsible for Local Government Administration, designate any commissioner as a district postmaster for any Out Island District.

District postmasters under Postmaster General.

(2) District postmasters shall be under the immediate orders and directions of the Postmaster General as the head of the department, and shall correspond with and make all their financial and other returns, reports and payments to or through him.

Duties of district postmasters.  
*20 of 1989, s.14.*

(3) District postmasters shall forward, by the earliest conveyance, all postal packets received by them for onward transmission unless the packets are due to be forwarded in a mail authorised by the Postmaster-General or they are for delivery within the District.

(4) Every district postmaster shall, as soon as practicable after the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, in each and every year, make out a true and faithful account in duplicate of all moneys received by him under the authority of any Act relating to the post office department during the then preceding quarter; and shall transmit the same, together with the amount of money then in his hands belonging to the department, to the Postmaster General at Nassau.

Remuneration of district postmasters.

(5) District postmasters shall receive such reasonable remuneration as may from time to time be deemed just and fair by the Governor-General.

*Branch Post Offices*

- 39.** (1) The Minister may, by Order, establish branch post offices in New Providence, and determine the area over which such branch post offices shall extend. Power to establish branch offices, etc.  
*E.L.A.O., 1974.*
- (2) The number of officers of which such branch post offices shall be composed, shall from time to time be determined by the Minister. Number of officers and salaries.  
*E.L.A.O., 1974.*
- (3) The officers of any branch post office shall be appointed by the Governor-General, acting in accordance with the advice of the Public Service Commission, and shall hold office during pleasure. Appointment of officers.  
*32 of 1925, s.2.  
E.L.A.O., 1974.*
- 40.** The officers of any branch post office shall give attendance thereat on the days and during the hours prescribed by the Minister. Attendance of officers.  
*32 of 1925, s.3;  
E.L.A.O., 1974.*
- 41.** The officers of any branch post office shall be under the immediate orders and directions of the Postmaster General as the head of the department, and shall make all their financial and other returns, reports and payments to or through him. Officers under Postmaster General.  
*32 of 1925, s.4.*
- 42.** The Postmaster General shall without delay forward to the officer in charge of any branch post office all postal packets received at the post office directed to box renters and general delivery addresses at such branch office, and the officer in charge of any branch office shall without delay forward to the Postmaster-General all postal packets received by him for onward transmission except those addressed to box renters or to general delivery addresses at that office. Forwarding of postal packets.  
*32 of 1925, s.5;  
20 of 1989, s.15.*
- 43.** Every officer in charge of a branch post office shall as soon as practicable after the first day of each month in each and every year, make out a true and faithful account, in duplicate, of all moneys received by him under the authority of any Act relating to the post office department during the then preceding month; and shall deliver or cause the same to be delivered, together with the amount of money then in his hands belonging to the department, to the Postmaster General. Duties of officer in charge of branch post office.  
*32 of 1925, s.6.*
- 44.** Any branch post office established under this Act shall be a part of the post office department, and any officer of any branch post office shall be an officer of the post office. Branch post office to be part of post office department.  
*32 of 1925, s.7.*

*General*

Rules.

**45.** (1) The Minister shall have the power to make rules for carrying out the objects and provisions of this Act.

*20 of 1989, s.16.*

(2) Without limiting the generality of subsection (1) any rules made thereunder may provide for —

- (a) the rental of private boxes;
- (b) the provision of members of the public of parking facilities on land owned by the Government and under the administration of the post office department;
- (c) the rates to be charged for and the other terms and conditions applicable to, the provision of such private boxes and parking facilities; and
- (d) the imposition, payment and recovery of penalties for the non-payment of fees for the use of private boxes or of the parking facilities, including the sanction of summary convictions for any such non-payment.

Expenses to be defrayed out of post office revenue.  
*32 of 1925, s.9.;  
43 of 1964, Third Sch.;  
E.L.A.O., 1974.*

**46.** The salaries of the officers of any branch post office and all expenses attending the housing and management of the post office department shall be defrayed by the Postmaster General, with the sanction of the Minister, out of the post office revenue from time to time received by the Postmaster General, and all payments so sanctioned and vouched for under the hand of the Minister shall be deemed to have been paid and disbursed by the Postmaster General under the authority of this Act and allowed accordingly.

**SCHEDULE (Section 23(2))**

**DECLARATION BY MASTER OF VESSEL**

I, A. B., master of the (state the name of the ship or vessel), arriving from (state the place), do, as required by law, solemnly declare that I have, to the best of my knowledge and belief, delivered or caused to be delivered to the Post Office every mail bag, package, postal packet, or parcel of postal packets, that was on board the (state the name of the ship or vessel), except such packets as are exempted by law.

Declared to .....  
this ..... day of ..... 19 ..... before  
me .....