



South Georgia and the
South Sandwich Islands

Colin Roberts C.V.O.,
Commissioner.
Government House
Stanley
Falkland Islands

The Postal Services Bill 2011

(No. _____ of 2011)
(assented to: _____)

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A BILL FOR AN ORDINANCE

To provide for postal services in the Territories

BE IT 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 on publication 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 and 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 the Falkland Islands, South Georgia and the South Sandwich Islands and British Antarctic Territory

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

“postal services” includes the issue and sale of postage stamps for the Territories, and the transmission of postal articles by post;

“properly stamped” means a postal article with postage stamps or markings which indicate that, when the article was posted in the Territories 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 Territories by authority of the Commissioner for the purposes of the Ordinance; or
- (b) transmission to a place outside the Territories 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 must ensure that postal services are provided in accordance with this Ordinance, and may authorise a postal administration for that purpose.
- (2) The Commissioner may appoint a Postmaster, who is responsible for the provision of postal services in the Territory in accordance with this Ordinance.
- (3) Except as provided by this Ordinance, no person may provide, or purport to provide, postal services for the Territories.
- (4) A person commits an offence who is in breach of subsection (3).

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 not properly addressed or stamped.

6. Postal rates

- (1) The Commissioner may set postal rates for the Territories.
- (2) The postal rates set out in the Schedule are deemed to have been in force for the Territories from 1 July 2010, and remain in force until the Commissioner determines other postal rates under section 6 (1).

7. Postage stamps

- (1) The Commissioner may authorise the issue of postage stamps of any denomination or design for use in the Territories.
- (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 Territories.

9. Weight limitations

- (1) No item shall be accepted for transmission –
 - (a) as an overseas air mail letter or as an overseas small packet if it exceeds 2 kilograms in weight;
 - (b) as an overseas air mail parcel;
 - (c) as an overseas surface mail letter, printed paper or small packet if it exceeds 2 kilograms in weight;
 - (d) as an overseas surface mail parcel if it exceeds 30 kilograms in weight;
 - (e) as an inland letter, printed paper or small packet if it exceeds 2 kilograms in weight; or
 - (f) as an inland parcel if it exceeds 10 kilograms in weight.

10. Aerogrammes

- (1) An aerogramme shall 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 an aerogramme is not by virtue of paragraph (1) to be accepted for transmission by airmail, it may, at the discretion of the Postmaster, be accepted for transmission by surface mail if it is sufficiently stamped for such transmission.



11. Small packets

- (1) A class of postal packets called "small packets" is authorised with the object of affording facilities, in the international service, for the transmission of small articles of merchandise in the letter mail. The exchange of small packets is limited to those countries that have agreed to participate in the service.
- (2) The prohibitions applicable to letter post shall apply also to the service of small packets. In addition, the following shall be specially excluded from transmission in small packets –
- (a) letters, notes or documents having the character of actual and personal correspondence including tapes, disks or wires bearing recordings of current and personal messages (this prohibition shall not apply to open invoices reduced to the simplest form, the addresses of the addressee, 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.
- (3) Small packets addressed to a destination outside the South Georgia and the South Sandwich Islands must –
- (a) have securely fixed to them an International Customs Declaration Form in a form approved by the Universal Postal Union (and obtainable from the postal authorities) which shall have been fully and properly completed by the sender; and
 - (b) be marked with the words "small packet" in the top left-hand corner of the obverse of the packet.

A small packet not complying with this paragraph shall not be accepted for transmission by mail.

- (4) Small packets may be registered but not insured.

12. 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 South Georgia and the South Sandwich Islands and bearing –
 - (i) the words "On Her Majesty's Service" conspicuously marked at the top of the obverse of the item; and
 - (ii) in the lower left-hand or right-hand corner the official departmental stamp; and
 - (b) postal articles sent on postal business by the postal authorities.
- (2) Postage shall 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 him and subject to compliance with such conditions the Postmaster may specify

13. 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 packet, double the postage or double the deficiency as the case may be.
- (3) An air mail packet on which no part, or part only, of the postage payable thereon has been paid may be dealt with as if it were not an airmail packet.
- (4) A postal article which is not properly stamped may not be delivered unless the surcharge is paid.
- (5) The surcharge marked on the postal article by the postal administration (of the Territories or of another country) is evidence of the amount payable unless the contrary is proved.

14. Undelivered parcels

- (1) Any parcel 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) Any fee payable under this section shall be payable in cash in such manner as the Postmaster may direct.



15. Registration

(1) The fees for registration shall be –

- (a) inland – 50 pence; and
- (b) overseas – £1.

(2) The maximum limit of compensation for the loss of a registered postal packet is £20 where the overseas fee has been paid and £10 otherwise.

16. Cash on delivery parcels

For cash on delivery parcels a fee equivalent of the rates of poundage for the time being charged by the United Kingdom Post Office on British Postal Orders and calculated by reference to the trade charge in respect of the parcel or sum of £300, which ever is the lower.

17. Insurance

(1) Insurance shall be 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 shall be £3 with the maximum insured value of £300.

18. Parcels and customs declarations

Section 11(3)(a) above (customs declarations in relation to small packets addressed to overseas destinations) shall also apply to parcels so addressed.

19. Inland small packets

(1) Section 11(3)(b) above (marking of small packets addressed to overseas destinations) shall also apply to small packets addressed to inland destinations.

(2) Where an inland small packet is not marked as required by sub-paragraph (1) or exceeds 1 kilogram in weight it shall if it does not exceed 2 kilograms in weight attract postage at the rate applicable to letters and otherwise shall be treated as a parcel and be charged for and transmitted accordingly.

20. Postal officer

(1) The Commissioner may authorise persons to perform the functions of postal officer for the Territories, 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 commits an offence who performs or purports to perform the functions of a postal officer when not authorised.

21. Duties and powers of a postal officer

(1) The duties of a postal officer are –

- (a) to sell postage stamps for the Territories;
- (b) to receive, frank and keep safe all postal articles;
- (c) to arrange for the onward transmission of all postal articles;
- (d) 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.

22. Departing vessel to give notice

(1) A captain of a vessel which is about to depart a port in the Territories must give notice to a postal officer of the vessel's intended departure, not less than 12 hours before the intended departure.

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

23. 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 carried on a ship must be kept dry and secure, and must be entered on the ship's customs manifest whenever practicable.

24. Refusal to receive or deliver mail

A captain of a vessel commits an offence who –

- (a) refuses to receive mail from or on behalf 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.

25. Payment for carrying mail

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



26. 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.

27. Offences

- (1) An offence under this Ordinance may only be tried summarily by the Magistrates 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

28. 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.

29. Repeal and revocation

The Post Office Ordinance (Cap.52 of the Laws of the Falkland Islands, 1950 Edition) is repealed in relation to the Territories, and all orders made under that Ordinance are revoked in relation to the Territories.

SCHEDULE

(section 6) 1st July 2010

Airmail Rates		£
Letters	First 20g	0.7
	each extra 10 g	0.25
Small packets	First 70 g	1.15
	each extra 10 g	0.14
Postcard		0.6
Aerogramme		0.6
Illustrated aerogramme		0.7
Registration Fee		3.5
Surface rates		£
Postcard		0.35
Letters	First 20g	0.45
	up to 100 g	0.9
	each extra 50 g	0.35
Small packets	First 100 g	0.8
	each extra 50 g	0.25
Parcels to UK	First kg	10
	each extra kg (max 30 kg)	4
Inland Rates		£
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		0.2
Registration Fee		0.75