

# REPRINT

## **POST OFFICE ACT (CAP. 113)**

**As in force at: 1 March 1996**

**STATUS: REPEALED**

This version is that published in the Revised Edition of the Laws in force in Solomon Islands on 1st March 1996 [LN 24/96].

Repealed by the Solomon Islands Postal Corporation Act 1996 from 1 December 1996

**AN ACT RELATING TO THE POST OFFICE AND THE CONVEYANCE OF  
MAILS**



## POST OFFICE ACT (CAP. 113)

### Table of provisions

1	Short title	1
2	Interpretation	1
3	Meaning of “in course of transmission by post” and “delivery to or from a post office”	2
4	Administration and control of the Department	3
5	Appointment of officers	3
6	Establishment of post offices and agencies for postal and other services and operation of postal telecommunications	3
7	Regulations	4
8	The Comptroller may issue instructions	5
9	The Comptroller may enter into internal mail contracts	6
10	The Comptroller may enter into external mail contracts	6
11	Exclusive privilege of the Minister	6
12	No letters to be conveyed except by post	7
13	Exemption from liability for loss, misdelivery, delay or damage	7
14	Postage stamps	8
15	Stamping and franking machines	8
16	Invalidation of postage stamps	8
17	Stamped letter-cards, post-cards, envelopes, etc.	9
18	Rates of postage	9
19	Exemptions from postage	10
20	Liability for payment of postage	10
21	Power to withhold unstamped postal packet	10
22	Post office mark evidence of refusal	11
23	Official mark to be evidence of postage	11
24	Return to sender	11
25	Transmission of certain articles prohibited	11
26	Transmission by post of anything indecent, etc. or packets bearing fictitious stamps prohibited	12
27	Power to open and detain or delay postal packets	12
28	Power to open postal packets suspected to contain dutiable goods	13
29	Registration of postal packets	13
30	Insurance of postal packets	14
31	Postal packets at hotels, etc. remaining undelivered	14
32	Money orders	14

33	Power to remitter to alter name or to recall money order	15
34	Power to provide for issue of postal orders	15
35	Money order offices	15
36	Recovery of money paid to wrong persons	15
37	Exemption from liability in respect of money orders and postal orders	16
38	Unissued postal orders	16
39	Notice of departure of vessels	16
40	Penalty for refusing to receive mail bag on board	17
41	Payment for conveyance of mail bags by noncontract vessels	18
42	No payment for conveyance of mail bags already paid for at port of departure	18
43	All mail bags and postal packets arriving by vessel to be delivered to be post office by master	18
44	Declaration to be made by masters of vessels on arrival of vessels	19
45	Conveyance of mail bags by coasting vessels	19
46	Lockers to be provided by vessels and vehicles under contract	20
47	Penalty in contravention of section 11	20
48	Penalty for contravention of section 25 and 26	20
49	Fraudulently issuing money orders or postal orders	21
50	Money order or postal order to be deemed a valuable security	21
51	Unlawfully taking away or opening mail bag sent by vessels or vehicles employed under post office	21
52	Receiver of stolen mail bag or postal packet	22
53	Fraudulent detention of mail bag or postal packet	22
54	Criminal diversion of postal packet from addressee	22
55	Opening or delaying postal packets	23
56	Delaying mails, etc.	23
57	Prohibition of placing injurious substances in or against post office letter boxes	24
58	Prohibition of affixing placards, notices, etc., on postal office letter boxes, etc.	24
59	Prohibition of imitation of post office stamps, envelopes, forms and marks	24
60	Prohibition of fictitious stamps	25
61	Prohibition of false notice as to reception of letters	25
62	Obstruction of officers	26
63	Obstructing mail	27
64	Endeavouring to procure the commission of any offence	27

65	Falsely inducing delivery of letters	27
66	Evidence of thing being postal packet	27
67	Provision as to form of proceedings	27
68	Description of officer of the post office in indictment or legal proceedings	28
69	Penalty for being in unauthorised possession of mail bags, etc.	28
70	Article bearing a fraudulent stamp may be withheld	28
71	Removing stamp from postal packet	29
72	Penalty for unlawfully disclosing contents of postal packet	29
73	Limitation of action against officers	29
74	Penalty for unlawfully franking postal packets	30
75	Repeal and saving	30
<b>FIRST SCHEDULE</b>		<b>31</b>
<b>SECOND SCHEDULE</b>		<b>31</b>

# POST OFFICE ACT (Cap. 113)

As in force at: 1 March 1996

## 1 Short title

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

## 2 Interpretation

In this Act, unless the context otherwise requires:

**“Comptroller”** means the Comptroller of Posts and Telecommunications appointed pursuant to section 5;

**“Department”** means the Department of Posts and Telecommunications of Solomon Islands;

**“mail bag”** includes a bag, box, parcel or any other envelope or covering in which postal packets are conveyed whether it does or does not contain any such packet;

**“money order”** means a money order issued under this Act or by any postal authority for payment under this Act;

**“officer of the post office”** includes the Comptroller and any person employed in any business of the Department howsoever appointed or by whomsoever employed on behalf of the Department;

**“port”** includes any harbour, river, lake, roadstead and any other navigable water;

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

**“postage stamp”** includes a stamp impressed by a stamping or a franking machine as well as an adhesive stamp;

**“postal authority”** includes the Minister of Posts and Telecommunications of the United Kingdom or the Post-master-General or any other duly constituted postal authority of any other

part of the Commonwealth or of any foreign country or place;

**“postal order”** means a postal order issued under this Act or by any postal authority for payment under this Act;

**“postal packet”** means a letter, letter-card, post-card, newspaper, book, packet, printed paper, pattern or sample packet, small packet or parcel and every other packet or article when in course of transmission by post and shall include a telegram when conveyed by post;

**“postmaster”** means the officer in charge of a post office;

**“post office”** includes any house, building, room, carriage, place or structure where postal packets are received, sorted, delivered, made up or despatched or used for any other post office purpose or for the purpose of working a telegraph or for the receipt, transmission or delivery of telegrams and any pillar box or other receptacle provided by or with the approval of the Department for the reception of postal packets for transmission;

**“regulations”** means regulations made and in force under this Act;

**“sender”** means the person from whom any postal packet or telegram purports to have come unless that person proves that he is not the sender thereof.

### **3 Meaning of “in course of transmission by post” and “delivery to or from a post office”**

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 a post office to the time of its being 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 considered to be authorised to receive the packet according to the usual manner of delivering the postal packets of that person or at the address specified on such packet shall be deemed to be delivered to the person addressed; and
- (d) delivery into a private letter box or private mail bag shall be in all respects equivalent to personal delivery to the addressee.

#### **4 Administration and control of the Department**

The administration and control of the Department shall be vested in an officer styled “The Comptroller of Posts and Telecommunications”.

#### **5 Appointment of officers**

- (1) There shall be appointed a Comptroller of Posts and Telecommunications and such other officers as may be necessary for the purposes of this Act.
- (2) The Comptroller and every other officer appointed under this Act may, before entering upon his duties, be required to make and subscribe a declaration before a Magistrate or a justice of the peace (which declaration every such Magistrate or justice of the peace is hereby authorised and required to administer) in the form contained in the First Schedule to this Act.
- (3) Any appointment of a person for the purposes of this section:
  - (a) shall, if the appointment is to an office in the public service, be made pursuant to the Constitution; and
  - (b) shall, in any other case be made by the Minister or by the Comptroller with the consent of the Minister.

#### **6 Establishment of post offices and agencies for postal and other services and operation of postal telecommunications**

- (1) The Comptroller may from time to time establish post offices or postal

agencies and assign to such offices or agencies such postal, telegraphic, telephonic or other such services as he thinks fit and may from time to time add to or withdraw from any such office or agency any of the services for which it was established or is exercising, or close any such office or terminate any such agency.

- (2) The Comptroller may from time to time establish and operate postal communications within Solomon Islands in such manner as he thinks fit.
- (3) The Comptroller may from time to time make arrangements with any other postal authority for the establishment and operation of postal communications between Solomon Islands and any other country or through Solomon Islands or any other country.

## **7 Regulations**

- (1) The Minister may from time to time 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 dimensions and weight of postal packets;
  - (c) the fees to be charged for the conveyance of postal packets or for any other service rendered by the Department;
  - (d) the prepayment of postage on postal packets or any class of postal packet;
  - (e) the general or particular conditions with which postal packets must comply;
  - (f) the franking of official postal packets;
  - (g) late fees;
  - (h) fines to be charged on postal packets when the postage is not prepaid or is insufficiently prepaid;
  - (i) redirection of postal packets and the transmission by post of packets so redirected either free of charge or subject to such further charge as may be prescribed;

- (j) the transmission of printed papers by post;
  - (k) the conditions under which private boxes and private mail bags may be hired;
  - (l) the supply, sale and use of postage stamps;
  - (m) the licensing of persons to sell postage stamps;
  - (n) the registration of postal packets;
  - (o) the insurance of postal packets;
  - (p) parcels post;
  - (q) the treatment of undeliverable postal packets;
  - (r) the conditions under which it shall be lawful for a person to make, utter, deal in, sell or have in his possession a fictitious stamp, or make or have in his possession a die, plate, instrument or materials for making such a stamp.
- (2) All such regulations shall, in addition to being published in the *Gazette*, be published in a guide issued by the Minister and known as the Post Office Guide.
- (3) The Minister may include in such Post Office Guide:
- (a) a declaration of the adoption of the regulations agreed upon by the Universal Postal Union for or respecting or in relation to postal packets and that the same or any part or modification thereof shall be enforced within Solomon Islands;
  - (b) a statement of the manner in which amendments to the Guide will be published;
  - (c) such other information as the Minister may think fit to include.

## **8 The Comptroller may issue instructions**

The Comptroller may issue such instructions as he may deem necessary for the management of post offices and for the conduct and guidance of officers carrying out the provisions of this Act.

**9           The Comptroller may enter into internal mail contracts**

The Comptroller may from time to time enter into such contracts for the conveyance of postal packets by land, coastwise by sea or by air within Solomon Islands as may be deemed necessary or expedient, or for any other public service performed for or by the Department.

**10          The Comptroller may enter into external mail contracts**

The Comptroller may enter into contracts in writing with any persons for the conveyance by sea or air of postal packets to and from Solomon Islands.

**11          Exclusive privilege of the Minister**

(1) Wheresoever postal communications are established under this Act the Minister by himself or by the officers of the post office, shall have the exclusive privilege of conveying from one place to another, whether by land, by sea or by air, all letters except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters except in the following cases:

- (a) letters taken by private friend on his way, journey or travel to be delivered by him to the person to whom they are directed without hire, reward or other profit or advantage for receiving, carrying or delivering them;
- (b) letters solely concerning the affairs of the sender or receiver thereof sent by a messenger on purpose;
- (c) letters solely concerning goods or property sent either by land, by sea 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 are 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.

- (2) Nothing herein contained shall authorise any person to make a collection of those excepted letters for the purpose of sending them in the manner hereby authorised.
- (3) Subject as aforesaid the following persons are expressly forbidden to carry a letter or to receive, collect or deliver a letter although they do not receive hire or reward for it, that is to say:
  - (a) known common carriers, their servants or agents, except a letter concerning goods in their aircraft or vessels, vehicles or other conveyances;
  - (b) owners, masters or commanders of vessels sailing or passing coastwise or otherwise between ports or places within Solomon Islands or to or from any ports out of Solomon Islands or their servants or agents, except in respect of letters of merchants, owners of ships or goods on board;
  - (c) passengers or other persons on any such aircraft, vehicle, vessel or other conveyance;
  - (d) officers of the post office except in respect of letters in course of transmission by post.

**12 No letters to be conveyed except by post**

- (1) No letters unless exempt by law shall be conveyed into or out of Solomon Islands from or to any place between which and Solomon Islands postal communications are established or be delivered or be distributed in Solomon Islands otherwise than by or through the post.
- (2) For the purposes of this section and the preceding section “letters” shall include letter-cards and post-cards.

**13 Exemption from liability for loss, misdelivery, delay or damage**

- (1) The Government shall not incur any liability by reason of the loss, misdelivery, or delay of or damage to any postal packet.
- (2) No officer of the post office shall incur any liability by reason of any such loss, misdelivery, delay or damage unless such officer has knowingly caused the same fraudulently or maliciously or by his wilful

act or default.

#### **14 Postage stamps**

The Minister may issue postage stamps of such kinds and denoting such values as he may consider necessary for the purposes of this Act.

#### **15 Stamping and franking machines**

- (1) Notwithstanding anything in this Act postage may be prepaid by impressions made by stamping or franking machines used under the direction or by the permission of the Comptroller.
- (2) There shall not be posted or conveyed or delivered by post any postal packet:
  - (a) containing or bearing any counterfeit impression purporting to be made by a stamping or franking machine used under the direction or by the permission of the Comptroller; or
  - (b) purporting to be prepaid with any stamping or franking machine impression which has been previously used to prepay any other postal packet.
- (3) No stamping or franking machine impression which is imperfect or mutilated or defaced in any way shall be used in payment of or to denote payment of postage.
- (4) The Comptroller may license the use of such stamping or franking machines as he may approve for impressing upon postal packets the sign of postage or stamp values subject to such terms and conditions as he may deem necessary.
- (5) Packets bearing impressions made by stamping or franking machines and packets intended to be impressed by stamping or franking machines shall be accepted only at such post offices and within such hours as the Comptroller by notice published in the *Gazette* may prescribe.

#### **16 Invalidation of postage stamps**

- (1) The Minister may by notice declare that any issue of postage stamps

8

provided under section 14 shall cease to be valid as from a date to be specified in such notice, such date being not less than six months from the date of such notice, and such issue of postage stamps shall cease to be valid accordingly.

- (2) The holder of any postage stamp which has been invalidated in accordance with the provisions of subsection (1) may, within three months of the date on which such postage stamp ceased to be valid, at any post office in Solomon Islands, exchange such postage stamp for a valid postage stamp of equivalent value.

## **17 Stamped letter-cards, post-cards, envelopes, etc.**

- (1) The Comptroller may cause stamped letter-cards, stamped post-cards and stamped envelopes to be made and issued subject to such regulations as he may think fit to make as to the transmission by post, the size and weight of and manner of impressing or printing such cards and envelopes, and any other conditions that he may deem necessary.

## **18 Rates of postage**

Subject to the provisions of this Act there shall be paid on every postal for transmission by post such postage and other sums as may be prescribed, and the postage and all fees, if any, in respect of any postal packet posted within Solomon Islands shall be prepaid by means of postage stamps issued by the Comptroller, not previously used, invalidated, obliterated or defaced, and in default thereof there shall be payable in money at the time of delivery upon such postal packet double the deficiency due thereon and the sum so paid shall be indicated on every such packet in a duly authorised manner.

Provided that:

- (a) any newspaper upon which the postage is wholly unpaid at the time of posting may be forthwith destroyed or otherwise disposed of as the Comptroller may direct;
- (b) the postage upon business reply cards and upon large quantities of postal packets, may, with the approval of the Comptroller, be either paid in cash at the time of posting, or an agreed sum may be deposited with the Comptroller on account

of, and in advance of, posting, or be paid or secured in such other manner as the Comptroller may determine.

**19 Exemptions from postage**

- (1) All petitions and addresses to Her Majesty or to the Governor-General and all petitions to the National Parliament shall be exempt from postage.
- (2) All postal packets containing only returns of births, marriages and deaths transmitted in compliance with the provisions of any law in that behalf by persons whose duty it is to transmit such returns to any officer appointed to receive the same and any other matters which the Minister may from time to time direct shall be exempt from postage.

**20 Liability for payment of postage**

- (1) The person to whom any postal packet is tendered for delivery on which postage or any other sum is due shall be bound to pay the postage or other sum due on his accepting delivery of the postal packet unless he forthwith returns it unopened.
- (2) If any postal packet appears to the satisfaction of the Comptroller to have been maliciously sent for the purpose of annoying the addressee he may remit the postage or the sum due.
- (3) If any postal packet on which postage or any other sum chargeable is due is refused or returned as aforesaid or if the addressee is dead or cannot be found then the sender shall be bound to pay the postage or sum due thereon.

**21 Power to withhold unstamped postal packet**

If any person refuses to pay any postage or other sum which he is legally bound to pay in respect of any postal packet the Comptroller or any postmaster may withhold from the person so refusing any such postal packet addressed to that person not being on Her Majesty's service until such postage has been paid.

**22 Post office mark evidence of refusal**

In every proceeding for the recovery of any postage or other sum alleged to be due under this Act in respect of a postal packet the production of a postal packet having thereon the official mark of the post office denoting that the packet has been refused or unclaimed or that the addressee is dead or cannot be found shall be *prima facie* evidence of the fact so denoted.

**23 Official mark to be evidence of postage**

The official mark on a postal packet denoting that any postage or other sum is due in respect thereof to the post office of Solomon Islands or to the post office of the United Kingdom or of any other part of the Commonwealth or foreign country shall be *prima facie* evidence that the sum denoted as aforesaid is due.

**24 Return to sender**

No postal packet shall be returned to the writer or sender thereof without either the consent in writing of the person to whom the same is addressed or by order in writing of the Comptroller and in neither case unless the prescribed fee has been paid.

**25 Transmission of certain articles prohibited**

- (1) Except as otherwise prescribed and subject to such conditions as may be prescribed no person shall send by post any explosive, inflammable, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected or any living creature which is either noxious or likely to injure the postal packets in course of transmission by post or any officer of the post office.
- (2) No person shall send by post any packet or thing which is likely to injure postal packets in course of transmission by post or any officer of the post office.
- (3) Except as otherwise prescribed and subject to such conditions as may be prescribed no person shall send by post any drug to which the *Dangerous Drugs Act* applies.

**26           Transmission by post of anything indecent, etc. or packets bearing fictitious stamps prohibited**

No person shall send by post:

- (a) any indecent, obscene or seditious printing, painting, photograph, lithograph, engraving, book or card, or any other indecent, obscene or seditious article;
- (b) any packet or thing having thereon or on the cover thereof any words, marks or design of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character;
- (c) any packet or thing 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 which has been previously used in payment of stamp duty;
- (d) correspondence dealing with a fraudulent or immoral business or undertaking or which purports to foretell future events;
- (e) any printing, painting, photograph, lithograph, engraving, book or card which may be prejudicial to the public safety or to the peace and good order of any part of Solomon Islands.

**27           Power to open and detain or delay postal packets**

- (1) It shall be lawful for the Minister by warrant under his hand to authorise the Comptroller to open and delay any specified postal packet or all postal packets of any specified class.
- (2) It shall be lawful for the Comptroller or any postmaster to detain and open any postal packet which he has reason to believe contains any article or thing in contravention of section 25 or section 26 and if it is found to contain such article or thing he shall cause it to be destroyed:

Provided that no closed letter shall be so opened without the consent in writing of the Minister in his discretion.

- (3) The provisions of subsections (1) and (2) shall extend to all articles tendered to or received by the post office for transmission by post or delivery.

**28 Power to open postal packets suspected to contain dutiable goods**

It shall be lawful for the Comptroller to detain any postal packet reasonably suspected to contain any goods in contravention of the *Customs and Excise Act* and to open the same in the presence of the person to whom such postal packet may be addressed or his duly appointed agent, and should such person or his agent after being duly notified fail or neglect to attend, it shall be lawful for the Comptroller to open and examine the same, and, if any goods in contravention of the *Customs and Excise Act* shall be discovered in such postal packet, the Comptroller shall deliver the aforesaid goods to the Comptroller of Customs and Excise for the purposes of proceeding in regard thereto according to law, and if no such goods shall be discovered in the aforesaid postal packet the same shall be delivered to the person to whom it is addressed or his agent if present and, if absent, shall be forwarded to the addressee through the post office subject in either case to the payment of any postage or other dues chargeable thereon.

**29 Registration of postal packets**

- (1) The sender of any postal packet, excepting a parcel addressed to any place beyond Solomon Islands, may, upon payment of the prescribed fee in addition to the ordinary postage, have that packet registered and obtain a receipt for the same from the Comptroller, but no such registration or receipt shall confer on any person any right to compensation or otherwise or impose upon any officer any liability for the loss of any such packet or of the contents thereof:

Provided that the Comptroller may in his discretion and subject to such requirements and limitations as may be prescribed pay compensation for the loss of any registered postal packet or of the contents thereof.

- (2) Every postal packet containing coin, bank notes, currency notes, negotiable instruments payable to bearer, platinum, gold or silver manufactured or not, precious stones, jewels and other valuable articles shall, if posted unregistered be liable to compulsory registration and to a consequent charge on delivery equal to double the amount of any deficiency in prepayment as a registered packet which may be shown thereon but upon no postal packet compulsorily

registered as aforesaid shall compensation be paid in case of loss.

**30 Insurance of postal packets**

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

**31 Postal packets at hotels, etc. remaining undelivered**

- (1) Every postal packet sent by post and addressed to any person at any hotel, resthouse, or at any lodging-house, or at any house at which lodgers are received, and delivered to the occupier or manager of such hotel or house shall be deemed to be under the control of the Comptroller until delivered to the person to whom such postal packet is addressed and if such postal packet is not so delivered within one month of its receipt by such occupier or manager and if instructions to the contrary are not received from the person to whom such postal packet is addressed it shall be returned to the nearest post office marked "undelivered".
- (2) Every such occupier or manager wilfully omitting or failing to return any such postal packet as aforesaid shall be guilty of an offence and liable to a fine of ten dollars.

**32 Money orders**

- (1) The Comptroller may provide for the remitting of sums of money through the post office by means of money orders and may enter into an agreement with any postal authority for reciprocal exchange of money orders.
- (2) The Comptroller may make regulations as to money orders and in particular and without prejudice to the generality of such power such regulations may prescribe:
  - (a) the limit of amount for which money orders may be issued;
  - (b) the period during which money orders shall remain current; and
  - (c) the rates of commission or the fees to be charged on money

orders or in respect thereof.

**33 Power to remitter to alter name or to recall money order**

- (1) Subject to such conditions as the Comptroller may by regulations made under the provisions of the last preceding section prescribe in respect of the levy of additional rates of commission or fees or any other matter, a person remitting money through the post office by means of a money order may require that the amount of the order if not paid to the payee be repaid to him or be paid to such person other than the original payee as he may direct.
- (2) If neither the payee nor the remitter of a money order can be found and if within the period of twelve months after the last day of the month in which it shall have been issued no claim is made by such payee or remitter, the amount of such order shall not be recoverable from the Government.

**34 Power to provide for issue of postal orders**

The Comptroller may authorise the issue in such form as may be suitable of money orders to be called postal orders or by such other designation as may be deemed appropriate and may make regulations as to the rates of commission to be charged thereon and the manner in which and the conditions subject to which they may be issued, paid and cancelled.

**35 Money order offices**

The Comptroller may from time to time determine at what post offices money orders or postal orders may be issued and paid.

**36 Recovery of money paid to wrong persons**

If any person without reasonable excuse, the burden of proving which shall lie on him, neglects or refuses to refund:

- (a) any amount paid to him in respect of a money order or postal order by an officer of the post office in excess of what ought to have been paid to him in respect thereof; or
- (b) the amount of a money order or postal order paid by an officer

of the post office to him instead of to some other person to whom it ought to have been paid,

such amount shall be recoverable before a Magistrate by an officer of the post office authorised by the Comptroller in that behalf from the person so neglecting or refusing.

**37 Exemption from liability in respect of money orders and postal orders**

The Government shall not incur any liability for any loss caused by:

- (a) anything done under any regulation made by the Comptroller under sections 32 and 34;
- (b) the wrong payment of a money order or postal order;
- (c) delay in the payment of a money order or postal order;
- (d) any other irregularity in connection with a money order or postal order,

and no officer of the post office shall incur any such liability unless he has caused the same fraudulently or by his wilful act, default or negligence.

**38 Unissued postal orders**

An unissued postal order shall be deemed to be the property of the Comptroller.

**39 Notice of departure of vessels**

- (1) The master of any vessel which is about to depart from any port within Solomon Islands shall give to the postmaster at the port from which that vessel is about to depart notice in writing of the intended time of departure and the ports of call and destination of that vessel. Such notice, in case the destination of the vessel be any port outside Solomon Islands, shall be given not less than twenty-four hours and, in case the destination of the vessel be any port within Solomon Islands, not less than six hours before the intended time of departure. Every such notice shall expire between the hours of nine o'clock in the forenoon and five o'clock in the afternoon:

Provided that shorter notice may be allowed by the Comptroller or the postmaster at the port of departure in any case or special class of cases.

- (2) The postmaster who receives any such notice shall thereupon grant to the master of the vessel a certificate stating that the notice has been given and that the provisions of this Act have been complied with, and until such certificate has been given the vessel shall not be cleared.
- (3) If any vessel to which this section applies departs from a port of Solomon Islands without the master having given notice of the intended time of departure or if such notice having been given the vessel departs from a port of Solomon Islands after the expiration of six hours after the time stated to be intended time of departure in the notice given under subsection (1), the master of such vessel, whether he has obtained a clearance or not, shall be guilty of an offence and liable to a fine of one hundred dollars:

Provided that should the period of six hours after the time stated to be the intended time of departure of such vessel expire between the hours of five o'clock in afternoon and nine o'clock in the forenoon it shall be lawful for such vessel to depart before nine o'clock in the forenoon immediately following the expiration of such notice.

- (4) A prosecution shall not be instituted in pursuance of this section except by the direction or with the consent in writing of the Comptroller.
- (5) Notwithstanding the other provisions of this section it shall be lawful for the Comptroller to exempt from all or any of the provisions of this section the master of any vessel trading between ports within Solomon Islands. Such exemption shall be made by written notice to the owners or to the master of the vessel and a copy of every such notice shall be forwarded by the Comptroller to the Comptroller of Customs and Excise.

#### **40           Penalty for refusing to receive mail bag on board**

If any master of any vessel about to depart from any port in Solomon Islands to any port or place beyond Solomon Islands shall (after being thereto required by any officer of the post office or by any

person duly authorised in that behalf) refuse or neglect to receive on board such vessel any mail bag or to give a receipt for the same being thereto required by the person tendering or delivering such mail bag or shall refuse or neglect carefully to deposit such mail bag in some secure and dry place on board of such vessel or to convey the same upon her then intended voyage, such master shall be guilty of an offence and liable to a fine of two hundred dollars.

**41 Payment for conveyance of mail bags by noncontract vessels**

- (1) Every master of any vessel about to depart from any port or place in Solomon Islands to or for any other place beyond Solomon Islands who receives on board thereof any mail bag for the purpose of conveying the same according to the direction thereof shall be entitled to demand and receive for the carriage thereof payment at rates to be from time to time prescribed.
- (2) Nothing herein contained shall entitle the master of any vessel under contract for the carriage of mail bags to receive payment for the same as aforesaid.

**42 No payment for conveyance of mail bags already paid for at port of departure**

No payment shall be made to the master of any vessel arriving from any port or place beyond Solomon Islands for the conveyance of any mail bag on which payments have already been made at the port of departure.

**43 All mail bags and postal packets arriving by vessel to be delivered to be post office by master**

All mail bags and every loose postal packet which at the time of the arrival of any vessel within any port or place in Solomon Islands from any port or place beyond the same shall be on board thereof directed to any person in Solomon Islands shall be delivered to the postmaster 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 bag or any postal packet shall be guilty of an offence and liable to a fine of two hundred dollars:

Provided that nothing in this section shall apply to letters concerning goods on board such vessel and to be delivered with such goods or containing any commission, writ or affidavit or suit by way of introduction only concerning the bearer's private affairs.

**44 Declaration to be made by masters of vessels on arrival of vessels**

- (1) The master of any vessel arriving at any port or place in Solomon Islands from any port or place beyond Solomon Islands shall as soon as practicable after such arrival sign in the presence of the postmaster or other officer appointed to receive the same at such port or the town or place nearest thereto a declaration in the form contained in the Second Schedule and thereupon such postmaster or other officer shall grant a certificate under his hand of the making thereof, and until such certificate shall have been delivered to the proper officer of customs at such port such proper officer shall not permit such vessel to report.
- (2) Any master as aforesaid who shall fail or refuse to make such declaration or shall make a false declaration shall be guilty of an offence and liable to a fine of two hundred dollars.

**45 Conveyance of mail bags by coasting vessels**

- (1) Every master of any coasting vessel shall receive and give a receipt for and shall deliver mail bags according to the direction thereof at the post office of the several ports or places at which such vessel may touch upon payment at such rates and in such manner as may be prescribed.
- (2) Every master of a coasting vessel who shall refuse or neglect to receive or to give a receipt for or deliver mail bags in accordance with subsection (1) or shall refuse or neglect carefully to deposit and retain securely until delivery such mail bags in some safe and dry place on board such vessel shall be guilty of an offence and liable to a fine of fifty dollars:

Provided that such master shall not be compelled to receive or deliver such mail bags at any post office distant more than one mile by road from the port or place at which his vessel may touch.

**46 Lockers to be provided by vessels and vehicles under contract**

In all vessels or vehicles by which mail bags shall be conveyed under a contract made under section 9 there shall be provided a suitable locker or other secure place in which such mail bags and all postal packets shall be locked up and carried apart from all other articles and things, and if such locker or place shall not be so provided or if such mail bags or any postal packets shall be carried in any such vessel or vehicle during the whole or any part of the voyage or journey otherwise than in such locker or place the master of such vessel or vehicle shall be guilty of an offence and liable to a fine of one hundred dollars.

**47 Penalty in contravention of section 11**

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

- (a) conveys otherwise than by post a letter within the exclusive privilege conferred on the Minister by the provisions of section 11(1); 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 the provisions of section 11(3),

shall, in respect of each letter, be guilty of an offence and liable to a fine of ten dollars.

**48 Penalty for contravention of section 25 and 26**

- (1) Any person who, in contravention of section 25 or section 26, sends or tenders or makes over in order to be sent by post any packet or thing shall be guilty of an offence and liable to a fine of one hundred

dollars or to imprisonment for three months or to both such fine and such imprisonment.

- (2) The detention in the post office of any packet or thing on the ground of its having been sent in contravention of section 25 or section 26 shall not exempt the sender from any proceedings which might have been taken if such packet or thing had been delivered in due course by post.

**49      Fraudulently issuing money orders or postal orders**

- (1) If any officer of the post office grants or issues any money order or postal order with a fraudulent intent he shall be guilty of an offence and liable to imprisonment for seven years.
- (2) If any officer of the post office re-issues a money order or postal order previously paid he shall be deemed to have issued the order with a fraudulent intent under this section.

**50      Money order or postal order to be deemed a valuable security**

- (1) A money order or postal order shall be deemed to be an order for the payment of money and a valuable security within the meaning of this Act and of the *Penal Code* and of any other law relating to forgery or stealing which is from time to time in force in Solomon Islands.
- (2) If any person with intent to defraud obliterates, adds to or alters any such lines or words on a money order or postal order as would in the case of a cheque be a crossing of that cheque or knowingly offers or utters or disposes of any money order or postal order with such fraudulent obliteration, addition or alteration, he shall be guilty of an offence and liable to the like punishment as if the order were a cheque.

**51      Unlawfully taking away or opening mail bag sent by vessels or vehicles employed under post office**

If any person unlawfully takes away or opens a mail bag sent by any vessel or vehicle employed by or under the post office for the transmission of postal packets whether under contract or otherwise or unlawfully takes a postal packet out of a mail bag so sent, he shall be guilty of an offence and liable to imprisonment for fourteen years.

**52 Receiver of stolen mail bag or postal packet**

If any person receives any mail bag or any postal packet or any chattel or money or valuable security the stealing or taking or embezzling or secreting whereof amounts to an offence under this Act or the *Penal Code* knowing the same to have been so stolen, taken, embezzled or secreted and to have been sent or to have been intended to be sent by post, he shall be guilty of an offence and liable to the same punishment as if he had stolen, taken embezzled or secreted the same, and may be charged and convicted whether the principal offender has or has not been previously convicted or is or is not amenable to justice.

**53 Fraudulent detention of mail bag or postal packet**

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 ought to have been delivered to any other person; or
- (b) any postal packet or any mail bag which shall have been found by him or by any other person,

he shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

**54 Criminal diversion of postal packet from addressee**

- (1) If any person not in the employment of the Comptroller wilfully and maliciously with intent to injure any other person either opens or causes to be opened any postal packet which ought to have been delivered to that other person or does any act or thing whereby the due delivery of the postal packet to that other person is prevented or impeded he shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.
- (2) Nothing in this section shall apply to a person who does any act to which this section applies where he is parent or in the position of

parent or guardian of a person to whom the postal packet is addressed.

- (3) A prosecution shall not be instituted in pursuance of this section except by the direction or with the consent in writing of the Comptroller.
- (4) A postal packet in this section includes a packet or thing which has been delivered by post.

#### **55      Opening or delaying postal packets**

If any officer of the post office contrary to his duty opens or procures or suffers to be opened any postal packet or wilfully detains or delays or procures or suffers to be detained or delayed any postal packet he shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and such imprisonment:

Provided that nothing in this section shall extend to the opening, detaining or delaying of a postal packet returned for want of a true direction or returned by reason that the person to whom the same is directed is dead or cannot be found or shall have refused the same or shall have refused or neglected to pay the postage thereof or to the opening or detaining or delaying of a postal packet under the authority of this Act.

#### **56      Delaying mails, etc.**

Subject to the provisions of this Act, any officer of the post office, postmaster, master of a vessel or person duly authorised to receive or despatch any mail bag or any postal packet who shall neglect or fail to despatch or shall retard the despatch thereof by post shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and such imprisonment.

#### **57      Prohibition of placing injurious substances in or against post office letter boxes**

Any person who places or attempts to place in or against any post office letter box any fire, match, light, explosive substance or any fluid

or who commits a nuisance in or against any post office letter box or does or attempts to do anything likely to injure the box, appurtenances, or contents shall be guilty of an offence and liable to a fine of twenty dollars.

**58 Prohibition of affixing placards, notices, etc., on postal office letter boxes, etc.**

- (1) A person shall not without due authority affix or attempt to affix any placard, advertisement, notice, list, document, board or thing in or on, or paint or tar, any post office, post office letter box, or other property belonging to or used by or on behalf of the Comptroller and shall not in any way disfigure any such office, box or property.
- (2) If any person acts in contravention of this section he shall be guilty of an offence and liable to a fine of five dollars.

**59 Prohibition of imitation of post office stamps, envelopes, forms and marks**

- (1) A person shall not without due authority:
  - (a) make, issue or send by post or otherwise any envelope, wrapper, card, form or paper in imitation of one issued by or under the authority of the postal authority of any part of the Commonwealth or of any foreign country having thereon any words, letters or marks which signify or imply or may reasonably lead the recipient to believe that a postal packet bearing them is sent on Her Majesty's service; or
  - (b) make on any envelope, wrapper, card, form or paper for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of or similar to or purporting to be any stamp or mark of any post office under the postal authority of any part of the Commonwealth or of any foreign country or any words, letters or marks which signify or imply or may reasonably lead the recipient thereof to believe that a postal packet bearing them is sent on Her Majesty's service; or
  - (c) issue or send by post or otherwise any envelope, wrapper, card, form or paper so marked.

- (2) If any person acts in contravention of this section he shall be guilty of an offence and liable to a fine of five dollars.

## **60 Prohibition of fictitious stamps**

- (1) A person shall not knowingly use for the purpose of the post office any fictitious stamp.
- (2) Subject to such conditions as may be prescribed it shall be lawful for a person to make, utter, deal in, sell or have in his possession a fictitious stamp or make or have in his possession a die, plate, instrument or materials for making such a stamp but not otherwise.
- (3) If any person acts in contravention of this section he shall be liable on conviction on a prosecution by order in writing of the Comptroller to a fine of forty dollars.
- (4) Any stamp, die, plate, instrument or materials found in possession of any person in contravention of this section may be seized and shall on conviction of such person be forfeited.
- (5) For the purposes of this section “**fictitious stamp**” shall mean any facsimile, imitation or representation, whether on paper or otherwise, of any postage stamp from time to time authorised or required to be used for the purpose of the post office or of any postage stamp for denoting a current rate of postage of any country outside Solomon Islands.

## **61 Prohibition of false notice as to reception of letters**

- (1) A person shall not without authority from the Comptroller place or maintain in or on any house, wall, door, window, box, post, pillar or other place belonging to him or under his control any of the words, letters or marks following, that is to say:
  - (a) the words “post office” or “postal agency”; or
  - (b) the words “letter box” accompanied with words, letters or marks which signify or imply or may reasonably lead the public to believe that it is a post office letter box; or
  - (c) any words, letters or marks which signify or imply or may

reasonably lead the public to believe that any house or place is a post office or that any box is a post office letter box,

and every person when required by a notice given by the Comptroller to remove or efface any such words, letters or marks as aforesaid or to remove or effectually close up any letter box belonging to him or under his control which has been a post office letter box shall comply with the request.

- (2) If any person acts in contravention of this section he shall be guilty of an offence and liable to a fine of five dollars and if the offence is continued after a previous conviction to a fine of fifty cents for every day during which the offence so continues.

## **62           Obstruction of officers**

- (1) If any person wilfully obstructs or incites any one to obstruct an officer of the post office in the execution of his duty or whilst in any post office or within any premises belonging to any post office or used therewith obstructs the course of business of the post office or creates a disturbance he shall be guilty of an offence and liable to a fine of ten dollars.
- (2) Any person who commits an offence under this section who, upon being required by any officer of the post office or any police officer to leave a post office or any premises belonging thereto or used therewith, refuses or fails to do so, may be removed therefrom with any reasonable degree of force required for that purpose, and such person shall be guilty of an offence and liable to a fine of ten dollars.
- (3) It shall be the duty of a police officer, on the demand of an officer of the post office, to remove or assist in removing from a post office or any premises belonging thereto or used therewith every such person as is referred to in subsection (2).

## **63           Obstructing mail**

If any person shall wilfully obstruct or retard the conveyance or delivery of any postal packet he shall be guilty of an offence and liable to a fine of forty dollars.

**64 Endeavouring to procure the commission of any offence**

If any person solicits or endeavours to procure any other person to commit an offence punishable under this Act he shall be guilty of an offence and liable to imprisonment for two years.

**65 Falsely inducing delivery of letters**

If any person shall, by means of any false pretence or misstatement, induce any postmaster or other officer of the post office to deliver to such person any postal packet not addressed to such person he shall be guilty of an offence and liable to a fine of one hundred dollars.

**66 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 Comptroller 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 postmaster, officer of the post office or other person employed by or under the Department shall in every proceeding whatsoever be deemed and taken to be sent by post unless the contrary be proved.

**67 Provision as to form of proceedings**

In any complaint, information or legal proceeding for any offence committed or attempted to be committed, or 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 Minister, it shall be sufficient to allege the property to belong to the Minister and to allege any such act or thing to have been done with intent to injure or defraud the Minister without in either case naming the person who is Minister, 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 was of any value.

**68 Description of officer of the post office in indictment or legal proceedings**

In any complaint, information or 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.

**69 Penalty for being in unauthorised possession of mail bags, etc.**

Any person who without due authority is in possession of any mail bag or any other article or thing which is the property of the Comptroller or of any other postal authority shall be guilty of an offence and liable to a fine of ten dollars.

**70 Article bearing a fraudulent stamp may be withheld**

- (1) Whenever the Comptroller is notified by a postal authority that any postal packet contains or bears any fictitious postage stamp, that is to say any facsimile or imitation or representation of any stamp for denoting any rate of duty or postage, or purports to be prepaid with any postage stamp which has been previously used to prepay any other postage packet, or whenever any postal packet containing or bearing any such fictitious postage stamp is found in any post office in Solomon Islands, it shall be the duty of the Comptroller to withhold the delivery of such postal packet from the person to whom the same may be addressed unless such addressee or his representative consents to make known the name and address of the sender and to place at the disposal of the post office, after having taken cognizance of the contents, the entire packet, if it is inseparable from the offence itself, or else that part of the packet, envelope, wrapper or other portion of such postal packet which contains the address, if any, and the stamp so stated to be fictitious or used, and unless such addressee or his representative shall also sign or fill up any document that may be required of him by the Comptroller embodying the above information.
- (2) In the event of the refusal of the addressee or his representative to comply with the above requirements, such postal packet may either be sent back to the country of origin or may be dealt with or disposed

of in such manner as may be authorised by the Comptroller.

**71 Removing stamp from postal packet**

Any person who shall with a fraudulent intent remove from any postal packet sent by post any stamp which shall have been affixed thereon or shall wilfully remove from any stamp which shall have been previously used any mark which shall have been made thereon at any post office or shall knowingly offer, utter or put off or use any such stamp shall be guilty of an offence and liable to imprisonment for two years.

**72 Penalty for unlawfully disclosing contents of postal packet**

Any person who reveals, discloses or in any way makes known the contents of any postal packet opened under the authority of this Act except so far as may be necessary for the purpose of returning the same or so far as may be authorised by the Comptroller in writing shall be guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and such imprisonment.

**73 Limitation of action against officers**

If any action or suit shall be commenced against any officer of the post office for damages on account of anything done or omitted to be done in pursuance of this Act the same shall be commenced within twelve months after the act committed or omitted, and no such action shall be commenced until one month after notice thereof and of the cause thereof shall have been delivered to the defendant or left for him at his usual place of abode by the party intending to commence such action, and upon the back of such notice shall be endorsed the name and place of abode or business of the plaintiff and his attorney or agent; and if it shall appear that the action was commenced after the time before limited for bringing the same the court shall give judgment for the defendant.

**74 Penalty for unlawfully franking postal packets**

Any person now or hereafter authorised by the Comptroller to frank postal packets who unlawfully franks or superscribes packets which do not relate to the business of his office, department or the

Government with intent to defraud the post office of the postage payable thereon shall be guilty of an offence and liable to a fine of forty dollars.

**75 Repeal and saving**

- (1) The *Post Office Act* is hereby repealed.
- (2) Notwithstanding the provisions of subsection (1):
  - (a) every appointment made under the repealed Act and in force at the commencement of this Act and every declaration made under the repealed Act shall, subject to the provisions of this Act, continue and be deemed to have been made under this Act;
  - (b) every post office or postal agency established under the repealed Act and in existence at the commencement of this Act shall, subject to the provisions of this Act, continue and be deemed to have been established under this Act;
  - (c) every contract made or licence issued under the repealed Act shall, subject to the provisions of this Act, continue in full force and effect according to the terms and conditions thereof and shall be deemed to have been made or issued under this Act;
  - (d) every stamp issued under the repealed Act and valid at the commencement of this Act shall, subject to the provisions of this Act, continue to be valid and shall be deemed to have been issued under this Act.

**FIRST SCHEDULE**

(Section 5)

I, \_\_\_\_\_, do solemnly and sincerely declare that I will in my position as an officer of the post office be honest and trustworthy and fair without respect of persons according to the law and to the best of my knowledge; that I will not contrary to the law or to my duty communicate or divulge the contents of any letter, telegram or official paper of any description, nor open or detain or cause to suffer to be opened or detained any letter or other postal packet or any telegram, nor on any account whatsoever destroy or make away with any letter, telegram or official paper entrusted to my care; that I will be obedient to my official superiors and that I will give account of any responsibility entrusted to me whenever and wherever such may be required of me.

Signature.....

Declared at.....on the \_\_\_\_\_ day of.....

Before me.....

Magistrate/Justice of the Peace

**SECOND SCHEDULE**

(Section 45)

I, A. B., do solemnly declare that I have to the best of my knowledge delivered to C. D., every mail bag, mail-box, mail-parcel and postal packet that was on board the \_\_\_\_\_ (name of vessel) at the time of her arrival at \_\_\_\_\_ except such letters as are exempted by law from such delivery.

Signature.....

Signed in my presence the.....day of .....19.....

.....

## ENDNOTES

1

### KEY

<b>amd = amended</b>	<b>Pt = Part</b>
<b>Ch = Chapter</b>	<b>rem = remainder</b>
<b>Div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>GN = Gazette Notice</b>	<b>Sch = Schedule</b>
<b>hdg = heading</b>	<b>Sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SIG = Solomon Islands Gazette</b>
<b>It = long title</b>	<b>st = short title</b>
<b>LN = Legal Notice</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 113 of the Revised Edition of the Laws of Solomon Islands.

2

### LIST OF LEGISLATION

#### ***Post Office Act (Cap. 113)***

*Constituent legislation:* 4 of 1971 (Commenced 1 September 1971)  
LN 46A of 1978  
LN 88 of 1978

#### ***Repealed by Solomon Islands Postal Corporation Act 1996 (No. 2 of 1996)***

Assent date 3 October 1996  
Gazetted 1 December 1996  
Commenced 1 December 1996

3

### LIST OF AMENDMENTS