

No. 44, 1958.]

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.

ACT

To consolidate the laws relating to the Post Office and matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 26th September, 1958.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

PRELIMINARY.

1. In this Act, unless the context otherwise indicates— Definitions.
- (i) "club or fund" means any unregistered society or association established for the mutual benefit of its members, and includes a fund established for any specific object which has been approved by the Postmaster-General for the purposes of the law relating to the Post Office Savings Bank; (x)
 - (ii) "construct" means erect, set up, lay down or place; (i)
 - (iii) "department" means the Department of Posts and Telegraphs; (v)
 - (iv) "drawee," in relation to any postal draft or other instrument referred to in section *forty-eight*, means the person from whom the amount of such postal draft or other instrument is to be collected; (iv)
 - (v) "drawer," in relation to any postal draft or other instrument referred to in section *forty-eight*, means the person in whose favour or on whose behalf such postal draft or other instrument is issued; (xxxi)
 - (vi) "friendly society" means a friendly society registered as such under any law, and includes an affiliated branch of such a society; (xiii)
 - (vii) "imprisonment" means imprisonment with or without compulsory labour as the court which passes sentence may direct; (vi)
 - (viii) "mail" means every article collected for conveyance by post, and includes loose and individual articles and every mail bag, vessel or conveyance of any kind by which postal articles are carried, whether or not it contains any such articles, and any person or animal employed in conveying or delivering mails or postal articles; (xiv)
 - (ix) "mail-bag" includes every bag, box, parcel, basket or hamper and any other envelope or covering in which postal articles in course of transmission by post are conveyed, whether or not it contains such articles; (xx)
 - (x) "Master" means a Master of the Supreme Court acting within the jurisdiction conferred upon him by law; (xi)
 - (xi) "master of any vessel" includes any person (not being a pilot) having command or charge of a vessel, whether a ship of war or any other vessel; (ix)
 - (xii) "Minister" means the Minister of Posts and Telegraphs; (xii)
 - (xiii) "money order" means a money order issued under this Act or by any postal authority for payment under this Act; (xxiii)
 - (xiv) "officer" includes any person in the service or employed in connection with any business of the department; (iii)
 - (xv) "port" includes any harbour, river, lake or roadstead and any other navigable water; (vii)
 - (xvi) "postage" means the amount chargeable for the transmission of articles by post; (xvi)
 - (xvii) "postage stamp" or "stamp" means any piece of paper or other substance or material having thereon the stamp, mark or impression of any die, plate or other instrument made or used under this Act or by any postal authority for the purpose of denoting any postage or other postal fee; (xxi)

- (xviii) "postal article" means any letter, post-card, reply post-card, letter-card, newspaper, book, packet, pattern or sample packet or any parcel or other article when in course of transmission by post, and includes a telegram when conveyed by post; (xxii)
- (xix) "postal authority" includes the Postmaster-General of the United Kingdom or of any other duly constituted postal authority of any British possession or of any foreign country or place; (xv)
- (xx) "postal order" means a postal order issued under this Act or by any postal authority for payment under this Act; (xix)
- (xxi) "postmaster" means the officer in charge of a post office; (xviii)
- (xxii) "post office" includes any house, building, room, carriage, place or structure where postal articles are received, sorted, delivered, made up or dispatched or which is 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 articles for transmission; (xvii)
- (xxiii) "prescribed" means prescribed by or under this Act; (xxxiii)
- (xxiv) "railway" includes any tramway, whether the means of traction be animal or steam power, electricity or other motive force, but does not include the railway lines of the South African Railways and Harbours Administration; (xxvi)
- (xxv) "railway authority" means any company, association, person or public body, other than the South African Railways and Harbours Administration, which owns, works or manages any railway or tramway for the public conveyance of passengers or goods; (xxvii)
- (xxvi) "regulation" means a regulation made under this Act; (xxiv)
- (xxvii) "Savings Bank year" means any period of twelve months ending on the thirty-first day of March or on any other day which the Minister may with the approval of the Governor-General appoint as the last day of a Savings Bank year; (xxv)
- (xxviii) "sender," in relation to any postal article or telegram, means the person from whom that postal article or telegram purports to have come, unless such person proves that he is not the sender thereof; (ii)
- (xxix) "telegram" means any communication transmitted or intended to be transmitted by telegraph or delivered or intended to be delivered from any post office as a communication transmitted either wholly or partially by telegraph; (xxx)
- (xxx) "telegraph" means any system or means of conveying signs, signals, sounds or communications by the agency of electricity, magnetism or electro-magnetism or any agency of a like nature, whether with or without the aid of wires, and includes the system commonly known as wireless telegraphy or aetheric signalling and any improvements or developments of that system, and also includes telephone; (xxviii)
- (xxxi) "telegraph line" includes any apparatus, instrument, pole, mast, standard, wire, pipe, tunnel, pneumatic or other tube, thing or means which is or may be used in connection with or for the purpose of sending, transmitting, conveying or receiving telegraphic signs, signals, sounds or communications; (xxix)
- (xxxii) "this Act" includes any regulations made thereunder; (viii)
- (xxxiii) "vessel" includes every description of vessel employed on the high seas, in harbour, on rivers or on the coast or on any navigable water. (xxxii)

CHAPTER I.

POWERS AND RIGHTS OF THE POSTMASTER-GENERAL.

2. (1) The administration and control of the department shall, subject to the authority of the Minister, be vested in an officer styled the Postmaster-General who shall be appointed by the Governor-General. Administration and control of the department.

(2) The Postmaster-General shall have the supervision and control of all persons in the service of the department and all post offices and post and telegraph services, and may issue such instructions as he may deem necessary for the conduct and

guidance of officers in carrying out the provisions of this Act, and may, subject to the approval of the Minister, fix penalties for breaches thereof not exceeding ten pounds for each breach.

(3) The Postmaster-General may delegate any of his powers under this Act, except the power of delegation conferred by this sub-section, and may at his discretion revoke any such delegation.

(4) The Postmaster-General may with the concurrence of the Minister establish, maintain and abolish mail services, post offices and savings bank offices as he may deem fit, make and alter postal and telegraph arrangements and enter into conventions and agreements with other postal and telegraph administrations, and may from time to time make regulations for the conduct of any business entrusted to him or as to the manner of exercising the powers and duties assigned to him by this Act, and any such conventions, agreements or regulations which have been approved by the Governor-General and published in the *Gazette*, shall have the same force and effect as if they were contained in this Act.

(5) A copy of every such convention or agreement and of any alteration thereof shall be laid upon the Tables of both Houses of Parliament within thirty days after execution thereof, if Parliament is then in session, or, if Parliament is not then in session, within thirty days after the commencement of its next ensuing session.

3. (1) Subject to the provisions of sub-sections (2) and (3) the Postmaster-General shall prescribe and may from time to time alter the fees, rates or charges to be demanded or received for the conveyance of postal articles and for the transmission, conveyance or delivery of telegrams and for any other service rendered by the department, and may cause to be made and sold postage stamps and envelopes, cards, wrappers and other articles embossed or impressed with such amounts of postage as he may deem fit.

Postmaster-General to prescribe fees, etc., for services rendered.

(2) Any fees, rates or charges prescribed under sub-section (1), and any alteration thereof, shall be subject to the approval of the Governor-General and shall be notified in the *Gazette*.

(3) The rate of postage prescribed for letters posted within the Union for delivery therein shall not be less than one penny for each letter.

4. The Postmaster-General may, with the concurrence of the Minister, enter into any contract in writing or make any arrangements for the conveyance of postal articles within, from or to the Union by land or coastwise by sea, or for any other public service performed for or by the department.

Postmaster-General may enter into mail contracts.

5. (1) The Governor-General may enter into any contract in writing with any person for the conveyance by sea of postal articles to and from the Union beyond the limits of South Africa.

Ocean mail contracts and discouragement of shipping combinations.

(2) No such contract shall be entered into with any person who—

(a) is connected directly or indirectly with any shipping or other combination which in the opinion of the Governor-General is likely to be detrimental to, or to have an adverse effect on South African trade or industries; or

(b) gives, offers or promises to any person any rebate, refund, discount or reward upon condition that such person shall ship or in consideration of such person having shipped goods by vessels of particular lines to the exclusion of any others.

(3) The Governor-General may make regulations—

(a) differentiating as regards dock, wharfage, transhipping or any other like dues at any port or harbour of the Union on goods landed from, shipped in or transhipped from vessels owned or chartered by persons with reference to whom the provisions of sub-section (2) apply;

(b) differentiating as regards freight for the transport, over any railway belonging to the Government of the Union, of goods which have been landed or transhipped from or are to be shipped in vessels owned or chartered by such persons; and

(c) prescribing the returns and other particulars to be furnished by persons landing, transhipping or shipping goods from or in any vessel or transporting goods upon any railway, and the manner in which such returns and particulars shall be furnished,

and generally for the better carrying out of the objects and purposes of this section.

(4) Nothing in this section contained shall be construed as affecting the right of the Postmaster-General to call upon the master of any vessel to carry out the duties imposed upon such master by section *thirty-seven*, or as relieving such master from any penalties provided for in this Act in respect of a failure to carry out any such duty, notwithstanding that such vessel be owned or chartered by a person with reference to whom the provisions of sub-section (2) apply.

6. Every contract entered into by the Governor-General for the conveyance by sea of postal articles to and from the Union beyond the limits of South Africa shall be subject to ratification by both Houses of Parliament. Ocean mail contract to be ratified by Parliament.

7. (1) The Postmaster-General shall have the exclusive privilege of receiving, collecting, dispatching, conveying and delivering letters and of performing all incidental services relating thereto. Exclusive privilege of Postmaster-General.

(2) Any person who performs any act within the exclusive privilege conferred upon the Postmaster-General by this section, or who sends or tenders or delivers any letter to be dealt with contrary to this section, shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds in respect of every letter tendered, received, collected, dispatched, conveyed or delivered.

(3) Nothing in this section contained shall extend to any letter—

- (a) sent or conveyed to or from any post office;
- (b) exceeding the dimensions prescribed for letters;
- (c) containing process of or proceedings or pleadings in any court of justice or affidavits or depositions;
- (d) exclusively concerning goods sent and to be delivered therewith; or
- (e) sent by any person exclusively concerning his private affairs or the private affairs of the bearer or the receiver:

Provided that no person shall collect any such letter for the purpose of sending it either by post or otherwise.

8. The Postmaster-General may enter into an agreement with any local governing body or any person for the establishment or provision, on such conditions as he may deem fit, of any new, special or additional postal or other facilities, and it shall be lawful for any such local governing body to agree to such conditions and to pay to the Postmaster-General such sum in respect of such new, special or additional facilities as may be agreed upon between the Postmaster-General and such local governing body and to appropriate land belonging to such governing body or to purchase land for the purpose. Agreements with local governing bodies, etc., for special postal facilities.

9. (1) The Postmaster-General shall have the right of conveyance to and from any station, siding or stopping place, by any of the ordinary or special trains or carriages belonging to any railway authority, of such mails as the Postmaster-General may from time to time require to be conveyed, and such railway authority shall be responsible for the safe custody of those mails and shall observe all reasonable requirements of the Postmaster-General respecting the taking up and delivery of the same. Conveyance of mails by railway or tramway.

(2) Any such railway authority shall provide and afford all reasonable facilities for the purpose of receiving and delivering mails without delay at all its stations, sidings and stopping places, and the officers of the Postmaster-General shall have free access to all such stations, sidings and stopping places for the same purpose.

(3) In the absence of any contract between the Postmaster-General and any railway authority in respect of the conveyance of mails, there shall be paid by the Postmaster-General to such railway authority for the conveyance of mails and the delivery thereof at any station, siding or stopping place, such annual sum as may be mutually agreed upon or failing agreement determined by arbitration, but not exceeding seven pounds ten shillings per annum for each mile of railway open for public traffic dating from the day upon which the mails are first conveyed: Provided that when the service for mail purposes is less frequent than twice a week in each direction, the payment to be made shall not exceed five pounds per annum for each mile of railway opened for public traffic: Provided further that the conveyance of mails over any section of railway which

may not be regularly used for that purpose shall be paid for at a rate not exceeding the rate ordinarily charged to the public for the conveyance of parcels over that section.

(4) Where the service of any railway authority is not sufficiently frequent to meet the requirements of the post office, the Postmaster-General shall have the right to call upon such railway authority to provide such service as he may require, and in such case there shall be paid by the Postmaster-General in lieu of the tariffs prescribed in sub-section (3), such sum as may be mutually agreed upon or failing agreement determined by arbitration.

10. The Postmaster-General shall have the right at any time to call upon any railway authority to convey, free of charge, and in such a manner as not to interfere with the custody of the mails, any officer or servant of the department appointed to such custody during the conveyance of mails by the railway.

Conveyance of postal officers.

11. No duty, toll or ferry charge shall be demanded or taken from or in respect of the passing of—

Postal officers, vehicles, mails etc., exempt from tolls.

- (a) any person, horse or vehicle engaged in any service of the department; or
- (b) any mail; or
- (c) any material or tools used in the construction or repair of any telegraph line, except when carried under contract or by common carrier.

12. Every person, horse or vehicle engaged in connection with the conveyance of mails or telegrams shall have precedence over all other persons, horses or vehicles in any public street, road, thoroughfare or place.

Postal officers, vehicles, etc., to have precedence in public streets, etc.

CHAPTER II.

TRANSMISSION OF POSTAL ARTICLES.

13. (1) Subject to the provisions of this Act, there shall be paid on every article for transmission by post, such postage and other sums as may be prescribed.

Rates of postage.

(2) Save as is otherwise provided in this section, the postage and any fees which may be payable in respect of any article posted within the Union shall be prepaid by means of postage stamps issued by the Postmaster-General not previously used, obliterated or defaced, and in default thereof there shall be payable in money upon every such article, at the time of delivery thereof, an amount equal to double the deficiency due thereon, and any amount so to be paid in respect of any article shall be indicated thereon in such manner as may be duly authorized.

(3) Any newspaper upon which the postage is wholly unpaid at the time of posting may be forthwith destroyed or otherwise disposed of as the Postmaster-General may direct.

(4) In the case of loose postal articles received from masters of vessels, the single rates of postage applicable to articles posted in the Union for delivery therein shall be chargeable and may be collected in money on delivery.

(5) Subject to the regulations—

- (a) the postage upon large quantities of postal articles posted at one time may be received in cash at or before the time of posting;
- (b) the postage upon postal articles addressed to persons licensed to receive unpaid postal articles may be received in cash at any time; and
- (c) a single copy of any issue of any registered newspaper printed and published within the Union may be accepted for transmission from the editor of any such newspaper to the editor of any other such newspaper without payment of postage.

(6) The use of postage stamps perforated with initials may be permitted.

14. The transmission without payment of postal articles and telegrams upon the public service shall be allowed from or to persons duly authorized for the purpose, but only upon the special instruction of the Minister and subject to the regulations.

Transmission without payment.

15. (1) There shall be exempt from postage—
- (a) any petition or address transmitted to the Governor-General; and
 - (b) any petition to Parliament which is addressed to a member of either House thereof, if it is enclosed in a cover open at both ends or sides, is marked on the outside with the words "petition to Parliament", and weighs not more than thirty-two ounces.
- (2) Any petition referred to in paragraph (b) of sub-section (1) may be accompanied by a letter enclosed therewith and referring exclusively to the subject matter thereof.
16. (1) For the purposes of this Act any publication consisting wholly or in great part of political or other news or of articles relating thereto or to other current topics, with or without advertisements and with or without engravings, prints or lithographs or any other sort of picture illustrative of articles in such publication, shall be deemed to be a newspaper, if—
- (a) it is printed and published wholly within the Union and is published at intervals of not more than one month;
 - (b) the full title and date of publication is printed at the top of the first page thereof, and the whole or part of the title and the date of publication at the top of every subsequent page; and
 - (c) it is registered as a newspaper with the Postmaster-General.
- (2) Any publication consisting wholly or in great part of matter similar to that of a newspaper or of advertisements printed on a sheet or sheets or a piece or pieces of paper or consisting wholly or in part of engravings, prints or lithographs or any other sort of picture illustrative of articles in the newspaper or in such publication, shall for the purposes of this Act be deemed to be a supplement to a newspaper, if—
- (a) the publication purporting to be such a supplement is published and posted with the newspaper;
 - (b) the whole or part of the title and the date of the newspaper are printed at the top of every page thereof or at the top of every sheet or side on which any engraving, print, lithograph or picture appears; and
 - (c) all sheets constituting the supplement are put together in some one part of the newspaper whether gummed or stitched up with the newspaper or not.
- (3) The regulations may modify the provisions of this section so far as they apply to a supplement which consists wholly of engravings, prints, lithographs or other pictures illustrative of articles in the newspaper.
17. (1) The Postmaster-General shall cause a register to be kept of publications coming within the requirements of section *sixteen*, and the proprietor, printer or publisher of any such publication may upon payment of the prescribed fee, register the same as a newspaper at such time in each year and in such manner and with such particulars as the Postmaster-General may direct.
- (2) The Postmaster-General may from time to time revise the register and remove therefrom any publication which in his opinion is not a newspaper as defined by this Act or a posted copy of which contains indecent or obscene matter, and the Postmaster-General may refuse to transmit or deliver and may destroy any such copy which contains indecent or obscene matter even though such publication may be registered as a newspaper.
- (3) The decision of the Postmaster-General in regard to the admission to or removal from the register of any publication shall be final, save that the Governor-General may on the application of any person reverse or modify that decision.
18. Newspapers printed or published outside the Union may be regarded as newspapers for the purposes of this Act, provided they are published at intervals of not more than seven days and that in other respects they conform to the requirements of section *sixteen* and to such further conditions as may from time to time be prescribed.
19. Whenever in the opinion of the Postmaster-General the dispatch or delivery of letters from a post office would be delayed by the dispatch or delivery at the same time of other classes of postal articles, the latter or any of them may subject to the regulations be detained in such post office for subsequent dispatch or delivery.

Petitions to Governor-General and Parliament exempt from postage.

Definition of newspaper and supplement thereto.

Registration of newspapers with Postmaster-General.

Newspapers published outside Union.

Letters to have precedence over other articles in certain circumstances.

20. (1) Subject to regulations, the sender of any postal article may, upon payment of the prescribed fee in addition to the ordinary postage, have that article registered and obtain a receipt for the same from the Postmaster-General, 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 article or of the contents thereof: Provided that the Postmaster-General may, in his discretion and subject to requirements and limitations prescribed by regulation, pay compensation for the loss of any registered postal article or of the contents thereof.

Registration
of postal
articles.

(2) Every postal article containing coin, bank notes, stamps, precious metals, precious stones or other articles of a like nature which have an intrinsic or marketable value 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 article which may be shown thereon, but no compensation shall be paid in case of loss of any postal article compulsorily registered.

21. The Postmaster-General may provide for the insurance of postal articles 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 articles.

Insurance of
postal
articles.

22. For the purposes of this Act—

- (a) a postal article 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 placing of a postal article of any description in a pillar box or other receptacle provided for the purpose by or with the approval of the department or the delivery of a postal article to a postman or other person authorized to receive postal articles of that description for the post, shall be deemed to be delivery to a post office;
- (c) the delivery of a postal article at the house or office of the person to whom the article is addressed or to his servant or agent or other person considered to be authorized to receive the article according to the usual manner of delivering that person's postal articles or at the address specified on such article, shall be deemed to be delivery to the person addressed;
- (d) delivery into a private box or private bag shall be deemed to be in all respects equivalent to personal delivery to the addressee.

When postal
articles deemed
to be in
course of
transmission,
or to be
posted or
delivered.

23. (1) The redirection of any unopened postal article (other than a parcel) from one place to another may be effected free of charge, provided the postage from the original place of posting to the new address has been fully prepaid, but registered articles redirected by the public shall be subject in every case to a further fee for registration.

Redirection
and inter-
ception of
postal
articles.

(2) Any redirected article which appears to the Postmaster-General to have been opened or tampered with, shall be treated as if it were posted for the first time and shall be chargeable accordingly.

(3) Any article arrested or intercepted in transit through the post at the request of either the sender or the addressee thereof, shall be liable to an additional charge equal to the ordinary rate of postage from the place of original address to the place of new address, and any article which under the provisions of this Act may be returned to the sender thereof shall if re-posted again be liable to postage: Provided that nothing in this section contained shall render it obligatory for the Postmaster-General to arrest or intercept any postal article and that any parcel arrested or intercepted in transit through the post for delivery to the sender or addressee at the office at which stoppage is effected shall be liable to such special fee as may be prescribed.

24. A postal article received in a post office shall be deemed to have been posted in contravention of this Act—

- (a) if the postage stamps thereon have been previously used, obliterated or defaced;
- (b) if any profane, blasphemous, indecent, obscene, offensive or libellous matter appears on the outside

Articles
deemed to be
posted in
contravention
of Act.

thereof or any indecent or obscene matter is enclosed therein; or

- (c) if it is posted or contains anything in fraud of or contrary to the provisions of this Act or any other law.

25. Any postal article—

- (a) which is without address or bears an illegible address or is otherwise undeliverable; or
 (b) which is refused by the person to whom it is addressed; or
 (c) which is posted or is reasonably suspected to have been posted in contravention of this Act or any other law,

Articles to be sent by postmasters to returned letter office for disposal.

shall be sent to the office known as the returned letter office and dealt with as may be prescribed: Provided that any article referred to in paragraph (a) or (b) which bears on the outside thereof the name and address of the sender, may on his application be returned to him or delivered to him direct.

26. Any postal article containing or suspected of containing an enclosure upon which customs duty is payable shall be dealt with as prescribed, subject to any law relating to customs.

Articles subject to customs duty.

27. (1) Any postal article, other than a letter, may be opened in the post for examination in order to ascertain whether that article is entitled to transmission at the rate of postage prepaid thereon or has been posted in contravention of this Act.

Articles other than letters may be opened for examination.

(2) The decision of the Postmaster-General as to whether any postal article is a letter or any other description of postal article within the meaning of this Act shall be final.

28. Any postal article originally posted within the Union, which is sent to the returned letter office in terms of section *twenty-five*, or which is undelivered, shall be opened by an officer nominated by the Postmaster-General for that purpose, and shall, unless it contains any valuable or saleable enclosure or has in the opinion of the Postmaster-General been posted in contravention of this Act or with intent to evade payment of the postage properly chargeable thereon, be returned to the sender thereof if his name and address are known, and may, if the sender refuses to receive it or if his name and address are not known, be sold or destroyed.

Treatment of unclaimed letters in returned letter office

29. (1) Every postal article opened under the provisions of this Act which contains any valuable or saleable enclosure, shall be safely kept and a record thereof and of its contents shall be made and preserved, and the Postmaster-General shall, unless any such postal article or the contents thereof have in his opinion been posted in contravention of this Act or with intent to evade payment of the postage properly chargeable thereon, cause notice of his possession of that article and of the contents thereof to be sent to the person to whom the same is addressed or, if he cannot be found, to the sender thereof if he can be found, and shall, upon application by the person to whom the notice has been sent, cause such postal article and its contents to be delivered to any such person upon payment of all charges due thereon.

Unclaimed articles of value and articles posted in contravention of Act.

(2) If no application under sub-section (1) is made within three months after the sending of any notice under that sub-section, or if the postal article in question or the contents thereof have in the opinion of the Postmaster-General been posted in contravention of this Act or with intent to evade payment of any charge properly payable thereon, such article and its contents shall (without affecting the liability to any penalty or punishment to which the sender may be subject) be destroyed, sold or otherwise disposed of as the Postmaster-General may direct.

(3) The proceeds of the sale of any postal article or the contents thereof as aforesaid, as well as any such contents consisting of money or any order or security for money, shall be paid into and form part of the postal revenue.

(4) Any such order or security for money shall for the purpose of procuring payment be deemed to be the property of the Postmaster-General.

30. The sender of any undelivered postal article shall on demand pay all charges due thereon and shall, in the event of his refusal to pay such charges, be guilty of an offence and liable on conviction to a fine not exceeding twenty shillings: Provided that nothing in this section contained shall be con-

Sender of undelivered article liable for all charges due thereon.

strued as releasing the person to whom any postal article is originally addressed from liability to pay the charges due thereon if such a postal article is delivered to him.

31. Save as expressly provided in this Act, no postal article shall be delayed in transmission or returned to the sender or be delivered to any person not named in the address thereof, except with the consent in writing of the addressee or on the special authority of the Postmaster-General.

Delay in transmission, return to sender or delivery to other than addressee of article prohibited.

32. Notwithstanding anything to the contrary contained in section *twenty-eight* or *thirty-one*, any undelivered postal article (not being a letter or parcel), which appears to be of no appreciable value or importance, and any undelivered newspaper may after retention for the period prescribed, forthwith be sold, destroyed or otherwise disposed of as the Postmaster-General may direct.

Undelivered articles of no value and newspapers may be destroyed.

33. Whenever any person has been found to be insolvent by a competent court in the Union, the Postmaster-General shall, if that court so orders, and for so long as may be specified in the order, cause all postal articles addressed to such person to be delivered to the person named in the order.

Articles addressed to insolvent persons.

34. Postal articles addressed to deceased persons may be delivered to the executors or administrators of those deceased persons on the production of letters of administration or, pending production of letters of administration, at the addresses indicated thereon.

Articles addressed to deceased persons.

35. When the Postmaster-General is satisfied by any advertisement, letter, circular or other documentary evidence that any person is conducting or assisting as agent or otherwise in conducting a lottery, or is dealing in indecent or obscene matter, and is using the services of the department for the purpose, the Postmaster-General may detain or delay all postal articles addressed to such person (whether under his own or under a fictitious or assumed name) or his agent or representative, or to any address of any such person, agent or representative without the name of any person appearing thereon, and all such postal articles may be opened and returned to the senders thereof or otherwise disposed of as the Postmaster-General may deem fit.

Articles addressed to persons conducting lottery or dealing in indecent or obscene matter.

36. (1) The master or agent of any vessel which is about to depart from any port within the Union 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.

Notice of departure of vessels.

(2) Any such notice shall be given so as to terminate between the hours of eight o'clock in the forenoon and six o'clock in the afternoon—

- (a) not less than twenty-four hours before the intended time of departure if the destination of the vessel in question is a port outside the Union; and
- (b) not less than three hours before that time if such destination is a port within the Union:

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

(3) Any postmaster who receives any such notice shall thereupon grant to the master of the vessel a certificate stating the day and hour when the notice was given and that the provisions of this Act have been complied with, and until such a certificate has been given clearance papers shall not be given in respect of the vessel.

(4) Where the time of departure of any such vessel is postponed for a period exceeding one hour, the master or agent of that vessel shall forthwith advise the postmaster concerned accordingly.

(5) Any such master or agent who omits to give any notice required under this section, or who departs from a port before the time mentioned in any such notice, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

37. The master of any vessel shall receive thereon any mail tendered to him by an officer for conveyance, and shall give a receipt therefor in such form as may be required by the Post-

Masters of vessels to convey mails tendered to them.

master-General, and shall without delay deliver such mail according to the direction thereof at the port of call or destination, and in default of compliance with any provision of this section he or the agent shall incur a penalty not exceeding five hundred pounds which shall be recoverable by action in any competent court.

38. The master of any vessel shall afford all reasonable facilities on board the vessel to any officer duly authorized by the Postmaster-General, to enable that officer to receive and prepare for dispatch any postal articles which may be brought on board for transmission up to the time of the vessel's departure.

Masters of vessels to afford facilities for dealing with articles posted on board.

39. (1) The master of any vessel (other than a vessel under contract for the conveyance of mail) about to depart from any port within the Union, who receives on board any mail for the purpose of conveying the same according to the direction thereof, shall be entitled to demand and receive for such conveyance payment at such rates as may be prescribed and shall give a receipt for the amount so received by him: Provided that no master of a vessel shall be entitled to demand payment in respect of the second conveyance of any mail brought from one port to another and transhipped to or forwarded by a second vessel belonging to the same owner.

Payment for conveyance of mails by non-contract vessels.

(2) Payment for the conveyance of mails under this section shall be made only in respect of mails dispatched from a port within the Union, and in no case in respect of mails received at any port within the Union.

40. Any mail conveyed by a vessel departing from a port within the Union shall be locked up on board the vessel apart and separate from all other articles and things, in a place which is secure, dry and vermin-proof, and if during the whole or any part of the voyage any such mail is not so locked up, the master of the vessel in question shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

Custody of mails on board vessels.

41. (1) Whenever the master of a vessel has received any mail for conveyance on board, and the vessel does not depart on her voyage according to the time notified for the departure thereof as provided in section *thirty-six*, that master shall in writing notify the postmaster concerned of the cause and the probable duration of the delay, and shall on demand return such mail, together with any gratuity which may have been paid for the conveyance thereof, to the postmaster, port officer or customs officer or to some other person duly authorized for the purpose in writing under the hand of the postmaster concerned.

Mails and gratuity to be returned if vessel does not depart according to notice given.

(2) Any master who fails to comply with the provisions of sub-section (1), shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

42. Any mail or letter (being within the exclusive privilege of the Postmaster-General and not included among the exceptions enumerated in section *seven*) which at the time of the arrival of any vessel in any port within the Union is on board directed to any person within the Union, shall on demand be delivered by the master of the vessel to the postmaster, port officer or customs officer at that port or to some other person authorized for the purpose by writing under the hand of the postmaster concerned or, if no demand is made, at the post office with which the master of the vessel can first communicate.

Letters arriving by vessel to be delivered to post office by master.

43. (1) The master of any vessel arriving at a port within the Union shall, as soon as practicable after arrival, sign in the presence of the postmaster, port officer or customs officer or some other person appointed by the postmaster concerned to receive the same, a declaration in the form prescribed, of compliance with this Act, and shall not report, break bulk or make entry of any part of the cargo of such vessel in any port until such declaration has been signed.

Declaration to be made by masters on arrival of mails.

(2) Any such master who fails to make such a declaration or who makes a false declaration or who knowingly or negligently detains or keeps in his possession or fails to deliver any mail or letter referred to in section *forty-two* after demand has been made under that section, or does not duly deliver any such mail or letter at the post office as provided in that section,

or does not use due diligence in the delivery of the same, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(3) Any such master who reports or, except with the express permission of a customs officer, breaks bulk or makes entry before all mails or letters on board have been delivered in accordance with section *forty-two*, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds.

44. Any person, being either the master or one of the officers or crew of a vessel inward bound or a passenger thereof, who knowingly has in his baggage or in his possession or custody any letter (except a letter not within the exclusive privilege of the Postmaster-General)—

Penalty for retention by any person on board a vessel of letter which should have been delivered to post office.

(a) after the master of the vessel has delivered any part of the mail or letters on board his vessel to the post office; or

(b) after demand made by a postmaster, port officer or customs officer or any person duly authorized to demand the mails on board,

shall be guilty of an offence and liable on conviction, in the case of an offence under paragraph (a), to a fine not exceeding five pounds, and, in the case of an offence under paragraph (b) to a fine not exceeding ten pounds for each such letter.

45. A customs officer shall not allow the master of any inward bound vessel to report until the declaration required by section *forty-three* has been made and produced to him, and may refuse to permit bulk to be broken on board any such vessel or entry to be made of any part of her cargo until all mail and letters on board have been delivered as required by this Act, and may search every such vessel for mails and letters which may be on board contrary to this Act, and may seize the same and forward them to the nearest post office.

Vessels not to report, etc., until declaration signed by master.

CHAPTER III.

REMITTANCE AND COLLECTION OF MONEY THROUGH POST OFFICE.

46. Money may be remitted through the department either within or outside the Union at rates of commission to be prescribed, and the Postmaster-General may authorize any officer in the department to issue and pay money orders, postal orders and any other documents authorized to be used for the purpose of so remitting money.

Remittance of money through department.

47. The Postmaster-General may refuse to issue or pay any money order, postal order or other document authorized to be used for the purpose of remitting money through the department, in favour of any person to whom the provisions of section *thirty-five* apply, and where payment of any such order or other document is refused, such order may, if it was issued in the Union, be returned to the person to whom it was originally issued or otherwise disposed of as the Postmaster-General may deem fit, or, if it was issued outside the Union, the amount thereof shall be returned to the postal authority of the country in which it was issued.

Postmaster-General may refuse to issue or pay money orders, postal orders, etc. to certain persons.

48. Money may be collected through the department by means of postal drafts or otherwise at such rates as may be prescribed, and the Postmaster-General may authorize any officer in his department to issue such postal drafts or other prescribed instruments and to collect the amounts in respect of which such drafts or other instruments are issued.

Collection of money through department.

49. Any demand which under the provisions of this Act may be authorized by the drawer of any postal draft or other prescribed instrument referred to in section *forty-eight*, shall be made by a postmaster in person or by some other officer duly authorized thereto, if the drawee resides in the immediate neighbourhood of the post office at which that draft or other instrument is payable, but, if the drawee resides at a distance therefrom or cannot be communicated with personally, a letter of demand in the prescribed form shall be addressed to him at the address given by the drawer and transmitted by registered post to the post office nearest to that address, and if no reply to the demand is received before the termination of the currency

Manner of making demand for money to be collected through department.

of that postal draft or other instrument, it shall be returned to the drawer together with a report in the proper form certifying to the non-payment of the amount thereof.

50. The presentation in accordance with the provisions of section *forty-nine*, of any such postal draft or other prescribed instrument, shall be of the same force and effect as a legal demand, and the return of such draft or instrument after the presentation by reason of the non-payment of the amount thereof by the drawee and the report thereon by any postmaster or other duly authorized officer shall, in any legal proceedings on the account or claim in respect of which that draft or other instrument was drawn, be accepted on the mere production of the returned draft or other instrument and such report, as *prima facie* evidence of the facts stated in that report.

Presentation of prescribed document for collection of money to be of same force as legal demand.

51. (1) Any money order, postal order or other document issued under section *forty-six* shall be deemed to be a bank note or an order for the payment of money and a valuable security within the meaning of any law relating to forgery or theft.

Money orders etc., to be deemed bank notes, etc., in case of forgery or theft and unissued postal orders deemed public money.

(2) Any unissued postal order shall be deemed to be public money.

CHAPTER IV.

POST OFFICE SAVINGS BANK.

52. The Post Office Savings Bank of the Union as constituted in terms of section *fifty-three* of the Post Office Administration and Shipping Combinations Discouragement Act, 1911 (Act No. 10 of 1911), shall be deemed to be constituted under this Act.

Constitution of Savings Bank.

53. (1) Any sum of money may be deposited by any depositor at any Savings Bank Office: Provided that the first deposit made by any depositor on any Savings Bank account shall not be less than one shilling, and that the aggregate of all deposits made by any one depositor in any one Savings Bank year shall not exceed two thousand pounds.

Limits of deposits.

(2) In computing the maximum amount allowed to be deposited by a depositor in any one Savings Bank year, no deposit invested or to be invested in Savings Bank certificates nor the amount of any such certificates retransferred to the ordinary account of a depositor shall be reckoned: Provided that if, after any amount so invested or to be invested or so retransferred, as the case may be, has been credited to the ordinary account of the depositor, the sum standing to his credit exceeds the maximum amount which otherwise is allowed to be deposited in any one Savings Bank year, the excess shall bear no interest.

(3) Amounts of ordinary interest or interest in respect of Savings Bank certificates shall not be reckoned in calculating the amount allowed to be deposited by a depositor in any one Savings Bank year.

54. Notwithstanding anything to the contrary contained in any other law—

Deposits for minors, or in the name of married women.

(a) deposits made by or for the benefit of any person under twenty-one years of age may be repaid to that person after he has attained the age of seven years in every respect as if he were of full age; and

(b) deposits standing in the name of a married woman shall be repayable to her as if she were unmarried.

55. Deposits may be made by any friendly society or any other society, club or fund approved by the Postmaster-General, without restriction as to the maximum amount except in the case of Savings Bank certificates.

Deposits by certain societies.

56. (1) (a) The interest payable to depositors shall be at such rate, not exceeding five per cent per annum, as may from time to time be fixed by the Minister with the approval of the Governor-General, but interest shall not be calculated on any amount less than one pound or a multiple of one pound and shall, save as provided in paragraph (b) of this sub-section, commence on the first day of the month next following the day of deposit and shall cease on the last day of the month preceding the day on which the repayment of the deposit is effected.

Interest.

(b) In the case of a deposit made on either of the first two days of any month, interest shall be payable from the first day of that month, and no interest in respect of any deposit shall be forfeited for any month by reason of the issue on either of the last two days of that month of authority for the withdrawal of such deposit, unless such deposit was made during that month.

(2) Interest on amounts standing to the credit of a depositor in his ordinary account shall be calculated to the end of every Savings Bank year, and shall then be added to and become part of the principal unless the depositor's account is closed at any time previous to that date, in which case interest shall be reckoned up to the first day of the month in which the account is closed.

57. On demand by a depositor or a person legally authorized to claim on account of a depositor, made in such form as may be prescribed, for repayment of any deposit or any part thereof, the authority of the Postmaster-General for such repayment shall be transmitted to the depositor forthwith, and the depositor shall subject to the provisions of section *one hundred and fifteen* be entitled to the repayment of any sum that may be due to him within thirty days after his demand has been made at any Savings Bank office.

Method of obtaining repayments.

58. Trust accounts may be opened and deposits made by one person as trustee on behalf of another person, but no deposit so made shall be repaid except against the receipt of both such persons.

Trust deposits.

59. (1) Where a depositor is proved to the satisfaction of the Postmaster-General to have become insane, the Postmaster-General may, on application being made to him, and subject to such conditions as he may deem necessary, pay the amount or any part of the amount standing to the credit of that depositor, to such person or persons as may appear to him entitled to receive the same, and the receipt of that person or those persons shall be a good discharge for the sum so paid: Provided that if the sum standing to the credit of such a depositor exceeds one hundred pounds, payment shall be made only upon the signature of a curator appointed according to law.

Repayments in event of depositor or trustee becoming insane.

(2) If any person on whose behalf money has been deposited in a trust account becomes insane, the Postmaster-General may, where the sum deposited does not exceed one hundred pounds, on satisfactory proof of the insanity repay that sum or any part thereof upon such conditions as he may deem necessary to such person or persons as appear to him entitled to receive the same, and the receipt of that person or those persons, together with the receipt of the trustee, shall be a good discharge for the sum so paid.

(3) If in the case described in sub-section (2) the amount in the relevant account exceeds one hundred pounds, repayment shall be made only upon the signatures of the curator appointed according to law and the trustee, but if the trustee becomes insane, the amount in question may be paid upon the signatures of a person appointed by the Postmaster-General to act in that capacity and the person on whose behalf the amount was deposited.

60. In the event of the death of a person on whose behalf a trustee has deposited any amount, repayment of that amount or any part thereof shall not be made without the receipts of the trustee and the executors or administrators of the deceased person, and their receipts shall be a valid discharge, and if the trustee dies it shall be lawful, unless letters of administration are produced or notice in writing of intention to take out letters of administration is given to the Postmaster-General, to pay the amount standing to the credit of the person on whose behalf the amount was deposited upon the signatures of that person and of such other person as the Postmaster-General may appoint in place of the trustee.

Repayment in event of death of trustee or person on whose behalf amount was deposited.

61. (1) If any depositor in the Savings Bank dies leaving a sum of money in the said Bank which, with the interest due thereon, does not exceed one hundred pounds, the Postmaster-General may, unless letters of administration are produced or notice in writing of the existence of a will and intention to take out letters of administration is given to him within the period of two months after the death of the depositor, or

Method of dealing with deposits in case of depositor's death.

(where such a notice has been given) letters of administration are taken out and produced to him within the period of three months after such death, with the consent of the Master pay and divide the money to and among such persons as may appear to be entitled thereto.

(2) Any payment made under the authority of this section shall be a valid and effectual discharge against any demand or claim made upon the funds of the Savings Bank by any person as being the lawful representative of the depositor, and any such person shall have his remedy by recourse against the person or persons who have received payment and not otherwise.

(3) If any claim in respect of money deposited in the Savings Bank is not admitted by the Postmaster-General, the money shall, subject to any order made by a judge in chambers under section *sixty-four*, be paid by the Postmaster-General into the Guardian's Fund to be dealt with by the Master as if it had been paid in by an executor or tutor.

62. Where a depositor of an amount not exceeding one hundred pounds dies intestate, and any person would, but for the illegitimacy of such depositor, have been entitled to that amount, the Postmaster-General may with the consent of the Master pay that amount to any one or more of the persons who in his opinion would have been entitled thereto according to the law of succession *ab intestato* if the depositor had not been illegitimate.

Payment of deposits to representatives of illegitimate depositors.

63. (1) As often as the Postmaster-General has under the provisions of section *fifty-nine*, *sixty-one* or *sixty-two*, distributed any sum of money deposited in the Savings Bank, he shall transmit to the Master an account showing the sum distributed and the manner of distribution thereof, and that account shall be filed and registered in the same manner as an account rendered by an executor.

Account of deposits distributed under section 59, 61 or 62 to be forwarded to the Master.

(2) Any administration or distribution by the Postmaster-General under the provisions of any of the said sections shall be exempt from all stamp duties, fees and other charges.

64. If any dispute arises between the Postmaster-General and any depositor or trustee of a depositor in the Savings Bank, or any executor, administrator, curator, next-of-kin or creditor of any depositor or any person claiming to be the executor, administrator, curator, next-of-kin or creditor of a depositor or to be entitled to any money deposited in the Savings Bank, the matter in dispute shall in the first instance be referred to the Minister of Justice for his decision, and may thereafter, if desired by either party, be referred in writing to a judge of the Supreme Court in chambers who may summarily enquire into and determine the dispute, and his decision in regard thereto shall be final.

Settlement of certain disputes in regard to deposits.

65. No officer in the department or person holding any other office shall disclose the name or any information regarding the transactions of a depositor or certificate holder, except—

Secrecy to be observed.

- (a) to the Postmaster-General or such officers as he may appoint to assist in carrying out the provisions of this Act relating to the Savings Bank; or
- (b) to the Commissioner for Inland Revenue, for the purposes of any law relating to the taxation of incomes; or
- (c) to the Master in relation to the administration of the estate of a deceased depositor or certificate holder; or
- (d) when required by order of a competent court:

Provided that nothing in this section contained shall be deemed to limit the authority of the Controller and Auditor-General to require a disclosure of such accounts and documents as may be necessary to enable him to carry out the duties imposed upon him by law.

66. (1) The Postmaster-General shall keep an account of all sums deposited and paid under the provisions of this Act relating to the Savings Bank, and shall in such manner and at such times as the Minister of Finance may direct, pay to the Public Debt Commissioners for investment by them the amount of such moneys deposited: Provided that the Minister of Finance may authorize the Postmaster-General to retain such portion of such moneys as represents a reasonable working

Accounts of deposits to be kept and moneys paid to Public Debt Commissioners for investment.

balance in connection with the repayment of deposits to depositors.

(2) The Public Debt Commissioners shall pay to the Postmaster-General the interest derived from the investment of such moneys together with any profit earned on the realization of any such investment, and out of the total amount so paid—

- (a) interest shall be paid to depositors under sections *fifty-six* and *seventy-six*; and
- (b) the Consolidated Revenue Fund shall be re-imbursed the working expenses of the Savings Bank as determined by the Minister of Finance,

and the balance shall be repaid to the Public Debt Commissioners as a reserve fund for the purposes mentioned in sub-section (3): Provided that the amount standing to the credit of the reserve fund on the thirty-first day of December in any year shall not exceed an amount equal to seven and one half per cent. of the total of Savings Bank deposits and Savings Bank certificates standing to the credit of depositors on the preceding thirty-first day of March, and the Public Debt Commissioners shall pay into the Consolidated Revenue Fund so much of the first-mentioned amount as exceeds the latter amount.

(3) Out of the reserve fund mentioned in sub-section (2) there shall be defrayed—

- (a) depreciation in or losses on the realization of investments of Savings Bank moneys; and
- (b) any excess during any year of the amounts payable under paragraphs (a) and (b) of that sub-section over the interest derived from the investment of Savings Bank moneys and the profit referred to in that sub-section.

67. (1) The Postmaster-General shall as soon as possible, and in any case within four months after the close of each Savings Bank year, prepare and render to the Controller and Auditor-General for examination a balance sheet of the Savings Bank and accounts in such form as may be approved by the Minister of Finance of the receipts and payments in connection with the Savings Bank and such other accounts and statements as may be required by the Minister of Finance, and copies of all such accounts and statements shall be sent to the Minister of Finance.

Accounts to be laid before Parliament by Postmaster-General.

(2) The balance sheet, accounts and statements aforesaid shall be certified and reported upon by the Controller and Auditor-General and submitted to the Minister of Finance and laid before Parliament in the same manner as and simultaneously with the Finance and Appropriation Accounts of the Union.

68. All expenses incurred in connection with the conduct and working of the Savings Bank shall be paid out of such moneys as Parliament may provide for the conduct of the department.

Expenses of working bank to be paid out of money provided by Parliament.

69. The Postmaster-General may, after the expiration of a period of fifteen years from the date upon which the last deposit or withdrawal has been made by any depositor, pay into the revenue of the department the amount standing to the credit of that depositor: Provided that if after any such amount has been paid into the revenue of the department as aforesaid, application for repayment thereof be made by the depositor or any person legally authorized to claim on his behalf, the Minister of Finance shall, if the Postmaster-General certifies that the depositor or person aforesaid is entitled thereto, pay such amount out of the Consolidated Revenue Fund.

Amounts standing to credit of any depositor may be paid into revenue if no deposit or withdrawal made during period of fifteen years.

70. The Postmaster-General may make arrangements with any postal authority for the transfer from and to the Union of sums of money standing to the credit of depositors in a Post Office Savings Bank, and the Postmaster-General may place any sum so transferred to the Post Office Savings Bank of the Union, to the credit of the depositor's account in that bank, even though the amount transferred may exceed the amount which a depositor may by law deposit in any one Savings Bank year, but no amount shall be so credited if the amount in the account will exceed the maximum amount allowed to be deposited under this Act.

Transfer of deposits from another country.

71. Deposits made in the Savings Bank shall have the security of the public revenues of the Union, and if at any time the immediately available funds of the Savings Bank are insufficient to meet the lawful claims of all depositors, the Minister of Finance shall issue the amount of the deficiency out of the Consolidated Revenue Fund without any further authority than this Act, but a report of every such deficiency and issue shall be laid upon the Tables of both Houses of Parliament by the Minister of Finance within fourteen days after the date of the issue if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing ordinary session.

Deposits to have security of revenue.

72. The Postmaster-General may issue Savings Bank certificates not exceeding one hundred in number of the value of one hundred pounds each to any depositor in the Savings Bank who may so desire and who has the necessary balance to his credit in his ordinary account.

Issue of certificates to Savings Bank depositors.

73. (1) Savings Bank certificates shall be issued only to depositors in the Savings Bank and all deposits and repayments in connection therewith shall be effected through the depositor's ordinary account.

Certificates may only be issued to depositors in Savings Bank and not to be transferable.

(2) A Savings Bank certificate shall not be transferable and shall only be evidence of the depositor's claim to repayment of the amount specified in the certificate with the interest due thereon.

74. There shall be payable by the depositor for the issue of every Savings Bank certificate such fee as may be prescribed.

Fee in respect of each certificate.

75. Every Savings Bank certificate issued under the authority of this Act shall be signed by a responsible Savings Bank officer and countersigned by the Postmaster-General or an officer delegated by him for the purpose.

Certificates to be signed by responsible officer and countersigned by the Postmaster-General.

76. (1) Interest on Savings Bank certificates shall be at such rate, not exceeding five per cent. per annum, as may from time to time be fixed by the Minister with the approval of the Governor-General, but no reduction in the rate of such interest shall apply to any certificate already issued until after the expiration of a period of three months from the date upon which written notice of the reduction has been given to the holder of that certificate personally or has been served at, or transmitted by post to his last known address.

Rate of interest on certificates.

(2) (a) Save as provided in paragraph (b) of this sub-section, interest shall be calculated from the first day of the month next following the date upon which application is received for investment in Savings Bank certificates and shall cease on the last day of the month next preceding that in which the amount of the certificate is retransferred to the ordinary Savings Bank account of the depositor.

(b) Where application for the issue of a Savings Bank certificate is made on either of the first two days of any month, interest on the amount represented by that certificate shall be payable as from the first day of that month, and no interest on the amount represented by any certificate shall be forfeited in respect of any month by reason of the issue on either of the last two days of that month of authority for the retransfer of the amount represented by such certificate, except where application for the issue of the certificate was made during that month.

(3) Interest on certificates shall be payable on the first day of January and the first day of July in each year, and the amount due to the depositors shall on those dates be placed to the credit of their respective ordinary Savings Bank accounts, except in the case of the retransfer on some other date of the amount of any certificate to the ordinary Savings Bank account of the depositor concerned, in which event the interest due in respect of that certificate shall be placed to the credit of the depositor's ordinary account at the time retransfer is effected.

77. A Savings Bank certificate shall be repayable upon such notice as may be stated thereon in accordance with the regulations.

Savings Bank certificates repayable on notice.

CHAPTER V.

TELEGRAPHS.

78. (1) The Postmaster-General shall have the exclusive privilege of constructing and maintaining telegraph lines and of transmitting telegrams or other communications by telegraph within the Union or the territorial waters thereof, and of performing all the incidental services of receiving, collecting or delivering telegrams or such other communications: Provided that—

Postmaster-General to have exclusive privilege in respect of telegraphs.

(a) the owners of any system of railways may maintain and work for the purposes of any such railway, for the time and to the extent authorized by any law, any telegraph lines constructed in pursuance of rights conferred by that law; and

(b) the Postmaster-General may construct, maintain or lease telegraph lines for private use or by licence authorize any person to construct, maintain and work private telegraph lines within the Union or its territorial waters, and may prescribe fees and conditions in respect of the use of any such telegraph lines.

(2) No person shall use any telegraph line for the purpose of transmitting or delivering telegrams for the public, except under the authority of the Postmaster-General and on such terms and conditions as he may prescribe, and the department shall have the right by means of its officers of inspecting all offices which are authorized to accept, transmit or deliver public telegrams.

79. The Postmaster-General may, subject to an obligation to pay such compensation as may in the absence of agreement be determined by arbitration, after giving six months' notice of his intention so to do, take over the whole or any part of any telegraph line or system, not being a system of communication constructed and maintained by the South African Railways and Harbours Administration, whether constructed before or after the commencement of this Act, and whether constructed, maintained or operated under any special or general legislative authority or otherwise.

Postmaster-General may take over private lines after notice.

80. The Postmaster-General may for the purposes of this Act enter upon any land, including any street, road, footpath or land reserved for public purposes and any railway, and construct and maintain a telegraph line or any work upon, under, over, along or across any land, street, road, footpath or waterway or any railway and alter or remove the same, and may for that purpose attach wires, stays or any other kind of support to any building or other structure.

Right of entry and to construct lines across any lands, etc.

81. The Postmaster-General may after reasonable notice in writing to the local authority or person owning or having the care and management of any street, road or footpath, construct and maintain in the manner specified in that notice any telegraph lines, pipes, tunnels or tubes required for telegraphic purposes under any such street, road or footpath, and may alter or remove the same, and may for such purposes break or open up any street, road or footpath and alter the position thereunder of any pipe (not being a sewer drain or main) for the supply of water, gas or electricity: Provided that the local authority or person to whom any such pipe belongs, or by whom it is used, shall be entitled at all times while any work in connection with the alteration in the position of that pipe is in progress, to supervise that work, and the Postmaster-General shall pay all reasonable expenses to which any such local authority or person may be put in connection with any alterations or removals under this section or in connection with supervision of work relating to any such alteration.

Lines may be laid under streets, etc.

82. (1) The Postmaster-General shall in the carrying out of any work take all reasonable precautions for the safety of the public, but shall not be liable for any compensation, save in so far as actual injury may be caused to any work or property or standing crops (other than trees or underwood referred to in section *eighty-six*) or injury may be caused to any person in consequence of failure by the Postmaster-General to comply with the provisions of this section: Provided that any work in connection with the construction, maintenance or repair of any telegraph line shall be carried out in such a way as to avoid as far as possible loss or inconvenience to owners of property

Compensation for injury to property.

or the public, and any street, road or footpath shall, while it is opened, broken up or otherwise obstructed, be at all times fenced or guarded and during the night be lighted, and on completion of such work any street, road, footpath, land or railway which may have been disturbed shall be restored to as good a condition as that in which it was before being broken up.

(2) The compensation in the case of injury aforesaid being caused to any work, property or standing crops shall, if the amount cannot be otherwise agreed upon, be settled by arbitration.

83. (1) If in the opinion of the Postmaster-General it is necessary at any time subsequent to the construction upon, in, over, along, across or under any land, railway, street, road, footpath or waterway, of any telegraph line or any pipe, tunnel or tube, whether constructed before or after the commencement of this Act, to alter or remove the same owing to any alteration of alignment or level or any other work on the part of any local authority or person, the cost of the alteration or removal shall be borne by that local authority or person.

Removal of lines at request of local authority or other person.

(2) (a) Where any telegraph line passing over any private property interferes with any building about to be erected on that property, the Postmaster-General shall, on receiving satisfactory proof that a building is actually to be erected, cause the line to be deviated or altered in such manner as will remove all obstacles to building operations.

(b) Notice that any such deviation or alteration is required shall be given to the Postmaster-General in writing not less than twenty-eight days before the alteration or deviation is required to be effected.

(3) In the event of any deviation or alteration of a telegraph line passing over any private property being desired on any other grounds than are set forth in sub-section (2), twenty-eight days' notice thereof in writing shall be served on the Postmaster-General, who shall decide whether or not the deviation or alteration is possible, necessary or expedient, and if the Postmaster-General agrees to make the deviation or alteration, the cost of carrying out the work in connection therewith shall be borne by the person at whose request the deviation or alteration is effected.

(4) Notwithstanding the provisions of sub-section (1) or (3)—

(a) a provincial administration shall not be required to pay the costs incurred in connection with any alteration, removal or deviation referred to in either of those sub-sections, which is necessitated by any works undertaken by that administration; and

(b) a divisional council shall not be required to pay the costs incurred in connection with any such alteration, removal or deviation which is necessitated by any road works undertaken by it, except in so far as the cost of those works is recoverable from any other local authority.

84. (1) If any fence erected or to be erected on land over which a telegraph line is constructed or is to be constructed, renders or would render it impossible or inconvenient for the Postmaster-General to obtain access to that land for any of the purposes of this Act, the Postmaster-General may at the expense of the department erect and maintain gates in that fence and shall provide therefor duplicate keys one of which shall be handed over to the owner or occupier of the land.

Gates in fences.

(2) Any person intending to erect any such fence shall give not less than six weeks' notice in writing to the Postmaster-General of his intention.

85. Where animals are used in connection with the work of constructing or maintaining any telegraph line passing over private property, those animals shall be allowed grazing and water by the owner or occupier of that property on such terms as may be mutually arranged between the Postmaster-General and the owner or occupier of such property or, failing agreement, determined by the magistrate of the district in which the property is situated whose decision shall be final.

Animals to be allowed grazing and water.

86. Trees or underwood which in the opinion of the Postmaster-General obstruct or interfere or are likely to interfere with the working or maintenance of any telegraph line, whether

Trees obstructing telegraph lines.

growing upon State-owned land or upon any road or street or upon private land, shall after reasonable notice by the Postmaster-General be cut down or trimmed in accordance with his requirements by the authority having the care and the management of such State-owned land, road or street or by the owner or occupier of such private land, as the case may be, at the expense of the department, and, in the event of failure to comply with any such notice, the Postmaster-General may himself cause the said trees and underwood to be cut down or trimmed as he may deem necessary: Provided that where communication is actually interfered with or endangered by any such trees or underwood, the Postmaster-General may cause the work which is immediately necessary for the removal of the interference or danger to be undertaken without any such notice as aforesaid.

87. (1) (a) Aerial wires or cables along any railway or public or private street, road, footpath or land shall be at a height of at least ten feet (or in or in the immediate neighbourhood of towns, twelve feet) above the surface of the ground, and aerial wires or cables crossing any railway, street, road or footpath shall be at least fourteen feet (or in or in the immediate neighbourhood of towns, eighteen feet) above the surface of the ground. Height or depth of lines.
- (b) Underground telegraph lines shall be placed at least two feet below the surface of the ground.

(2) If the owner of any private land proves to the satisfaction of the Postmaster-General that he is obstructed in the free use of his land by reason of the insufficient height or depth of any telegraph line, the Postmaster-General shall, subject to the provisions of sections *eighty-three* and *eighty-six*, take such steps as he may deem necessary for giving relief to that owner.

88. (1) Any person who constructs, equips or carries on any railway or works for the supply of light, heat or power by means of electricity, shall conform to the requirements of the Postmaster-General for the prevention of any telegraph line being injuriously affected thereby, and shall, before commencing the construction of any such railway or works, give one month's notice in writing to the Postmaster-General of his intention to commence the construction, and shall furnish the Postmaster-General with a plan of the proposed railway or works, together with particulars showing the manner and position in which the same are intended to be constructed, executed and carried on and such further information relative to the proposed railway or works as the Postmaster-General may require. Person establishing electrical works to conform to certain requirements of Postmaster-General.

(2) If it appears to the Postmaster-General that the construction, equipment or carrying on of any such railway or works is likely to affect injuriously any telegraph line, or if any telegraph line is injuriously affected by the construction, equipment or carrying on of any such railway or works, the Postmaster-General shall give reasonable notice of his requirements to the person concerned, and any person who, after receiving any such notice, proceeds with or causes to be proceeded with any such construction, equipment or carrying on in contravention of the said requirements, shall be liable to a penalty (recoverable by action in a competent court) of five pounds for every day on which the same is proceeded with or the injurious effect continues, and shall in addition make good any damage or expense which may be caused to the department by reason of the failure to comply with the Postmaster-General's requirements.

89. (1) Telegrams shall be sent for all persons alike, without favour or preference, and shall as far as practicable be transmitted in the order in which they are received, but telegrams relating to the preservation of the peace of the Union or of the adjacent territories or the arrest of criminals or the discovery or prevention of crime or any other matter connected with the administration of justice and, when so required, telegrams on the public service, shall have precedence over all other telegrams: Provided that, subject to the regulations, nothing in this section contained shall be held to prevent precedence being given to any class of telegrams under such conditions and upon payment of such special rates of charge as may be prescribed: And provided further that no person shall be permitted to occupy a telegraph line in such a manner as unreasonably to impede the speedy transmission of other telegrams. Order of transmission of telegrams.

(2) Any officer who wilfully offends against the provisions of this section shall be guilty of an offence and liable on con-

viction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

90. Any telegram which in the opinion of the Postmaster-General contains anything in its contents, address or signature of a blasphemous, indecent, obscene, offensive or libellous nature or anything repugnant to law or decency, shall be refused transmission.

Telegrams which may be refused transmission.

CHAPTER VI.

OFFENCES AND PENALTIES.

91. Any person who, without due authority or lawful excuse (the proof of which shall be upon such person)—

Forging, etc. of stamps, dies, etc.

- (a) makes, alters, imitates or imports or assists in making, altering, imitating or importing any postage stamp, date stamp, card, envelope, wrapper, cover or any money order, postal order, postal draft or Savings Bank warrant or any other warrant or order for the payment of money through the department or acknowledgment of deposit or any form or paper similar to that used or made under the authority or for the purposes of this Act or by any postal authority, or uses, issues, offers, exposes for sale, sells, deals in, sends by post or disposes of or has in his custody or possession any such stamp, date stamp, card, envelope, wrapper, cover, money order, postal order, postal draft, Savings Bank warrant or any other warrant or order, acknowledgment of deposit, form or paper, knowing it to have been made or altered or to be an imitation contrary to this section;
- (b) engraves or in any manner makes upon any plate or material any stamp or mark or figure or device in imitation of or resembling any stamp or mark or figure or device used or made for the purposes of this Act or by any postal authority, or sells, disposes of, purchases, receives or has in his custody or possession any plate or material so engraved or made;
- (c) makes or assists in making or has in his custody or possession any mould, frame or other instrument having thereon any words, letters, figures, marks, lines or devices peculiar to paper provided, used or made for any postage stamps or for any other purposes of this Act or by any postal authority;
- (d) makes or assists in making or has in his custody or possession any paper in the substance of which appears any words, letters, figures, marks, lines or devices peculiar to paper provided, used or made for any postage stamps or for any other purposes of this Act or by any postal authority, or makes, purchases, sells, disposes of or receives or has in his custody or possession any paper provided or made for the purpose of being used for any postage stamps or for any other purposes of this Act or by any postal authority before the same has been issued for public use;
- (e) makes use of any stamp, die, plate or paper engraved or made for the purposes of this Act or by any postal authority, or sells, disposes of, purchases, receives or has in his custody or possession any such paper or material whatever bearing an impression or mark of any such stamp, die or plate; or
- (f) makes on any envelope, wrapper, card, form or paper any mark in imitation of or similar to or purporting to be any official stamp or mark used for the purposes of this Act or by any postal authority or any words, letters, device or marks which signify or imply or may reasonably be regarded as signifying or implying that any article bearing such words, letters, device or marks has been in or is entitled to be sent through the post,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years, and any stamp, die, plate, instrument or material found in the possession of any person in contravention of this section shall be seized and forfeited.

92. (1) Any person who, with intent to defraud—
- (a) removes from any article sent by post or from any telegram or document used for the purposes of this Act, any stamp which has been affixed thereon, or wilfully removes, either really or apparently, from any stamp which has been previously used, any mark or impression which has been made thereon at any post office, or knowingly utters, puts off or uses any stamp or any part of any stamp which has been so removed or from which any such mark or impression has been removed;
- (b) erases, cuts, scrapes, defaces, obliterates or otherwise discharges or removes from, either really or apparently, or in any manner adds to or alters any mark or impression upon any postal article, money order, postal order, Savings Bank warrant or other warrant or order or acknowledgment of deposit, paper or other material provided, used or made for the purposes of this Act or by any postal authority; or
- (c) makes, does or practises or is concerned in any other act, contrivance or device for which no specific penalty is provided, or attempts unlawfully to evade payment of any of the rates, fees or duties payable under this Act,

Removing marks from stamps, etc., with intent to defraud.

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) For the purposes of this section the sender of any postal article shall, unless the contrary is proved, be deemed to be the person by whom any postage stamp upon that article was affixed.

(3) In any proceedings in respect of any offence under this section the burden shall lie on the accused of proving an absence of intent to defraud.

93. Any person authorized to receive or in any way to handle any mail, who—
- (a) negligently loses or wilfully detains, delays, misdelivers or omits to dispatch any mail (whether or not the same is afterwards recovered or delivered) or communicates or divulges the contents of any postal article;
- (b) while in charge of any mail leaves it, or suffers any person, not being the guard or person employed for that purpose, to travel in the place appointed for the guard in or upon any conveyance carrying that mail or to travel in or upon any such conveyance not authorized to carry passengers or upon any horse or other animal conveying that mail;
- (c) is guilty of carelessness, negligence or any misconduct whereby the safety of any mail is endangered;
- (d) while in charge of any mail is intoxicated or loiters or wilfully mispends or loses time so as to retard the arrival of the mail at its proper destination within the time fixed for its arrival, or does not use due care and diligence safely to convey the mail at the due rate of speed;
- (e) gives any false information of any assault or attempt at robbery upon him; or
- (f) without due authority, collects, receives, conveys or delivers any postal article otherwise than in the ordinary course of post,

Negligence or intoxication while in charge of mail, false report of assault, and irregularly receiving, conveying, or delivering of postal articles.

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for any period not exceeding six months or to both such fine and such imprisonment.

94. (1) Any person who—
- (a) with intent to defraud, puts into any post office anything purporting to be a postal article within the exemptions specified in this Act, or any postal article purporting to belong to a class in respect of which a lower rate of postage or no postage is chargeable, or any postal article containing any other postal article unstamped or insufficiently stamped which if sent alone would be liable to postage;
- (b) with intent to defraud, puts into any post office any article in or upon or with which there is any com-

Fraudulent, injurious and offensive practices in connection with postal articles and premises.

munication, intelligence, character, figure, number, mark, matter or thing not allowed by this Act or by any other law, or wilfully subscribes on the outside of any postal article or otherwise a false statement of the contents thereof;

- (c) puts into any post office any article in which or with which or upon which there is any indecent or obscene matter or anything of a profane, libellous or grossly offensive character;
- (d) without due authority (the proof of which shall be on such person) places or paints anything whatsoever upon, or wilfully injures, disfigures or tampers with any post office or any card, notice or other property of or used by or on behalf of the department, or commits a nuisance on or against any post office or against or upon any such card, notice or property;
- (e) detains, secretes or keeps any mail or postal article which ought to have been delivered to another person or which has been found by himself or by any other person;
- (f) by false pretence or misstatement induces any officer to deliver to him or to any other person any postal article not addressed to or intended for either of them,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment, without prejudice to any right the Postmaster-General may have of proceeding civilly against any person convicted under paragraph (d) hereof for compensation for such damage as may have been caused by him.

(2) In any proceedings in respect of any offence under paragraph (a) or (b) of sub-section (1) the burden of proving an absence of intent to defraud shall lie on the accused.

95. Any person who—

- (a) sends in or with any postal article or puts into or against any post office any fire, match or light or any explosive, dangerous, filthy, noxious or deleterious matter or thing or any matter or thing which is likely to injure any post office, person or mail;
 - (b) steals any mail or steals from any mail or post office or from the possession or custody of any officer or for any purpose embezzles or fraudulently secretes or destroys any postal article or any of the contents thereof;
 - (c) receives any such mail or postal article or any of the contents thereof knowing the same to have been stolen, embezzled or fraudulently secreted or to have been sent or intended to be sent by post; or
 - (d) stops any mail with intent to rob or search that mail,
- shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years: Provided that the Postmaster-General may, under special precautions to be set forth in regulations, exempt from the provisions of this section noxious or deleterious matter sent in the interests of public health.

Placing of anything dangerous, filthy, noxious or deleterious in or against any post office, and theft of or stopping with intent to rob any mail or postal article.

96. Any officer who otherwise than in pursuance of his duty opens or tampers with or wilfully destroys, makes away with or secretes or suffers to be opened or tampered with, destroyed, made away with or secreted any mail or postal article, and any person who opens or tampers with or wilfully destroys, makes away with or secretes any mail, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding seven years.

Irregular opening of or tampering with mail or irregular destruction, secretion or opening of postal articles.

97. Any person who wilfully interferes with the conveyance of any mail or through whose act or neglect the conveyance of any mail is interfered with, shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds or, in default of payment, imprisonment for a period not exceeding one month, for each hour or part of an hour during which the delivery of the mail is delayed in consequence of any such interference.

Wilfully obstructing or delaying mail.

98. (1) Any person, not being an officer, who wilfully opens any postal article or telegram which he knows ought to have been delivered to another person or does any act or thing whereby the due delivery of that article or telegram to such other person is prevented, obstructed or delayed, shall be guilty of an offence and liable on conviction to a fine not

Wilful opening or delay by any person other than officer of postal article or telegram addressed to another person.

exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) Nothing in this section contained shall apply to any person who does any act to which this section applies where that person is the parent or in the position of parent or guardian of the addressee and the addressee is a minor under sixteen years of age or a ward.

(3) No prosecution under this section shall be instituted except by the direction or with the consent of the Postmaster-General.

99. Any person who without the authority of the Postmaster-General (the proof of which shall be on the accused)—

Unauthorized use of words "Post Office", "Royal Mail", etc.

(a) places or maintains or suffers to be placed or maintained or to remain in, on or near any house, premises, wall, door, window, box, post, pillar or other place belonging to him or under his control the words "Post Office" or any other words or mark which may imply or may give reasonable cause for believing that house, premises, wall, door, window, box, post, pillar or other place to be a post office; or

(b) places or maintains or permits to be placed or maintained or to remain on any vehicle or vessel the words "Royal Mail" or any other word or mark which may imply or give reasonable cause for believing that such vehicle or vessel is used for the conveyance of mails,

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

100. (1) Any person, not being an officer, who without the express permission of the Postmaster-General or of an officer having authority to give permission, enters any part of a post office in which is carried on any of the operations in respect of which an oath of secrecy is required to be taken by officers, or whilst in any post office wilfully obstructs the course of business of the department or behaves in a disorderly manner or fails to comply with any regulation issued by the Postmaster-General to secure the comfort and convenience of the public or the safety of the premises, or who wilfully obstructs, hinders or delays any officer in the execution of his duty, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Unauthorized entry of premises, obstruction of course of business, and refusal to comply with regulations issued by Postmaster-General.

(2) An officer may require any person committing an offence under this section to leave the post office in question immediately, and any such person who fails to comply with such a requirement may be removed by any officer, and all police officers shall on demand by any officer remove or assist in removing any such person.

101. Any person who with fraudulent intent issues, re-issues, utters or presents to any other person or at any post office any money order, postal order, Savings Bank warrant or other warrant, order or document for the remittance, payment, collection or deposit of money through or with the department, or transmits through the post or otherwise any letter, telegram or other communication or message concerning any money order, postal order, Savings Bank warrant or other warrant, order or document for the remittance, payment, collection or deposit of money through or with the department, shall be guilty of an offence and liable on conviction to imprisonment for a period of not less than one year and not exceeding seven years, and in any proceedings in respect of any offence under this section the burden of proving an absence of fraudulent intent shall lie on the accused.

Fraudulent issue or presentation or sending of communications regarding money orders, postal orders, etc.

102. Any person who with fraudulent intent personates or represents himself to be an officer of the department, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Personating officers of the department with fraudulent intent.

103. Any person who in any declaration prescribed by this Act makes a false statement knowing the same to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds. False declarations.

104. (1) Any person who—

- (a) with fraudulent intent takes from the possession of any officer or other person having the custody thereof for the Postmaster-General or from any post office, or steals, secretes or destroys any telegram or any part thereof or fraudulently receives any such telegram or any part thereof; Theft, destruction, forging or alteration of telegrams.
- (b) forges a telegram or utters a telegram knowing the same to be forged or false or transmits by telegraph as a telegram any message or communication purporting to be a telegram which he knows to be forged or false; or
- (c) knowingly sends, delivers or causes to be sent or delivered to any officer for the purpose of being transmitted as a telegram any message or communication which has been wilfully and without due authority altered or which purports to be signed or sent by any other person without that person's consent, or who wrongfully signs any telegram with the name of another person without that person's consent or with the name of some fictitious person, or who wilfully and without the consent of the sender alters any telegram or writes, issues or delivers any message or communication which purports to be a telegram received through a telegraph office but which was not so received,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) In any proceedings in respect of any offence under this section the burden of proving an absence of intent to defraud, ignorance of the facts or due authority for the act which is the subject of the offence, as the case may be, shall lie on the accused.

105. Any officer who, not being a witness in a court of law, without the consent of the sender or addressee, or otherwise than in pursuance of his duty, opens or tampers with or divulges the contents or substance of any telegram, or discloses its existence otherwise than by delivering it or giving a copy thereof to the person to whom he is authorized to deliver it or to give such copy, or who maliciously or wilfully misdelivers, mistimes, secretes, intercepts, destroys, makes away with, alters or omits to transmit or deliver or prevents or delays the delivery or transmission of any telegram or makes use for his own purposes of any knowledge he may acquire of the contents of any telegram, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment. Divulging contents of telegrams.

106. Save as is provided in section *seventy-eight*, any person who without the authority of the Postmaster-General erects, maintains or uses any telegraph line, whether constructed before or after the commencement of this Act, shall, if he fails to comply with any notice from the Postmaster-General to remove that line or to pay such charges, if any, in respect thereof as may from time to time be prescribed, be guilty of an offence and liable on conviction to a fine not exceeding five pounds for every day during which any such line is or continues to be set up, maintained or used in contravention of the provisions of this Act, and the Postmaster-General may without compensation take absolute possession of, cut down or destroy the whole or any part of that line. Erection of telegraph lines without authority.

107. Any person who wilfully or maliciously destroys, injures or removes any telegraph line or any material, instrument or apparatus used in connection therewith, or disturbs, obstructs or impedes in any way the free use or working of any such line, material, instrument or apparatus, or affixes or attaches any wire, conductor or any other thing to any telegraph line or any part thereof without the authority of the Postmaster-General, or who interferes with or hinders the construction or alteration of any such line or the maintenance or examination thereof or causes delay in the restoration of any such line, shall be guilty of an offence and liable on con- Injury to telegraph lines, etc., and arrest of offenders.

viction to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment, without prejudice to any right the Postmaster-General may have of proceeding civilly against such person for compensation for such damage as may have been caused by him, and any person who witnesses the commission or any attempt at the commission of such an offence may without warrant apprehend the person offending and bring him before any magistrate's court to be dealt with according to law.

108. Any person who, either directly or by means of an animal, vehicle or thing owned by him or in his custody, destroys or injures any telegraph line of the department, shall be liable to pay to the Postmaster-General such expenses as may be incurred in making good the destruction or injury, and if the destruction or injury be occasioned by negligence on the part of any person, that person shall in addition be guilty of an offence and liable on conviction to a fine not exceeding ten pounds: Provided that a provincial administration or divisional council shall not be liable for any expenses incurred in making good any such destruction or injury caused by it and not due to negligence on the part of persons in its employment.

Accidental or negligent injury to telegraph lines, etc.

109. Any person who attempts to commit any offence under this Act or solicits or authorizes or endeavours to employ, cause, procure, aid, abet, incite or counsel any other person to do any thing the doing whereof is an offence under this Act, shall be guilty of an offence and liable to the same punishment as if he actually committed the offence.

Attempting to commit or procuring commission of offences.

110. Any person who contravenes or fails to comply with any provision of this Act or any arrangement, convention or regulation made under sub-section (4) of section two, for which no special or other penalty is provided, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Penalty for offences for which no special penalty provided.

111. Where any person admits to the Postmaster-General that he has committed an offence against this Act in respect of which the option of a fine is given, the Postmaster-General may, with the consent in writing of that person, determine the matter, and may without any legal proceedings require that person to pay any pecuniary penalty he may deem proper, and if such penalty is not paid, proceedings may be instituted against the person concerned for the offence in question as if no penalty had been assessed by the Postmaster-General.

Postmaster-General may settle certain cases.

112. In any information or complaint as to, or any prosecution for any crime or any offence committed in respect of the department or of any mail, telegram or telegraph line or any property, moneys, money order, postal order or other document authorized to be used for the purpose of remitting, paying, collecting or depositing money through or with the department, or with respect to any act, deed, matter or thing which has been done or committed with any malicious, injurious or fraudulent intent relating to or concerning the department or any such mail, telegram, telegraph line, property, moneys, money order, postal order or other document, it shall be sufficient—

In criminal proceedings, etc., property in postal articles, moneys, money orders, etc., may be laid in Postmaster-General.

- (a) to allege that any such mail, telegram, property, moneys, money order, postal order or other document belongs to or is in the lawful possession of the Postmaster-General and to put in the same in evidence, and it shall not be necessary to allege or prove the same to be of any value;
- (b) to allege that any such act, deed, matter or thing was done or committed with intent to injure or defraud the Postmaster-General without setting forth his or any other name, addition or description whatsoever; and
- (c) if the offender be an officer, to allege that the offender was an officer of the department at the time of the committing of the offence without stating the nature or particulars of his employment.

113. In any proceedings for the recovery of any sum payable under this Act in respect of a postal article—

Evidence: acceptance of official marks.

- (a) the official stamp or mark thereupon denoting the sum

- due shall be *prima facie* evidence of the liability of that postal article to the charge specified thereon; and
- (b) the production of any such postal article having thereon a post office stamp or mark denoting that the article has been refused or that the person to whom the same is addressed is dead or could not be found, shall be *prima facie* evidence of the fact denoted.

114. The Postmaster-General may depute any officer to appear on his behalf in any inferior court either as defendant or for any purpose other than as prosecutor, and his authority in writing to that effect shall be good and sufficient in law. Deputy may appear for Postmaster-General.

CHAPTER VII.

MISCELLANEOUS.

115. Save as is otherwise provided in this Act, no legal proceedings shall be capable of being instituted against the Government or against the Postmaster-General or any officer by reason of any error, default, delay, omission, damage, destruction, non-delivery, non-transmission or loss, whether negligent or otherwise, in respect of any postal article or telegram or by reason of anything lawfully done under this Act or any other law, and *bona fide* payment of any sum of money under the provisions of this Act or any other law shall, to whomsoever made, discharge the Government, the Postmaster-General and the officer by whom any such payment was made from all liability whatsoever in respect of any such payment, notwithstanding any forgery, fraud, mistake, neglect, loss or delay which may have been committed or have occurred in connection therewith: Provided that nothing in this section contained shall be construed as exempting the Government or the Postmaster-General from liability for damage or loss caused to any person by reason of fraud on the part of an officer in relation to his official duties: Provided further that if any unauthorized person by any fraudulent means obtains from the Postmaster-General payment of any sum credited to a depositor's Savings Bank account, the Postmaster-General may in his discretion make good the loss sustained by the depositor or any portion thereof. Non-liability of department.

116. Money orders, postal orders and any other documents authorized to be used for the purpose of remitting money through the department, and postal drafts and other documents authorized to be used for the purpose of collecting money through the department, and Savings Bank warrants and other orders for the payment of money, acknowledgments of the receipt of money and all other documents prescribed, provided for or required under this Act, shall be exempt from all fees or duties except such as are chargeable under this Act. Documents prescribed to be exempt from all duties.

117. All moneys received under this Act shall form part of the postal revenue and shall be paid into the Consolidated Revenue Fund: Provided that, subject to the provisions of section *sixty-nine*, moneys deposited in the Post Office Savings Bank, the interest on moneys so deposited and the principal moneys received in respect of money orders, postal orders, postal drafts or any other system of remitting or collecting money prescribed under section *forty-six* or *forty-eight*, shall not form part of the postal revenue, unless, in the case of money orders and postal orders, the period of currency thereof has lapsed. Moneys received to form part of postal revenue.

118. Any postal article or any telegram which is reasonably suspected of containing anything which will afford evidence of the commission of a criminal offence or reasonably suspected of being sent in order to further the commission of a criminal offence or to enable the detection of a criminal offence to be concealed, shall on the written request of any public prosecutor be detained by the officer in charge of any post office or telegraph office in which it is or through which it passes, and the Postmaster-General shall, if authorized thereto by the Minister of Justice, cause that postal article or telegram to be handed over to the said public prosecutor. Detention of postal articles and telegrams suspected of being concerned with crimes or offences and handing over of same to public prosecutor on authority of Attorney-General, etc.

119. The court which has imposed a fine upon any person convicted of an offence under this Act in respect of which no period of imprisonment is expressly prescribed in default of payment of the fine, may, if the fine is not paid forthwith, sentence the person convicted to imprisonment for a period not exceeding six months, unless the fine be sooner paid. Imprisonment where fine is not paid.

120. The Governor-General may make regulations prescribing— Regulation of
manner of
export of
unwrought gold,
etc.
- (a) that all rough or uncut precious stones, unwrought gold and ostrich feathers or any of such articles shall be exported from the Union exclusively through the Post Office or through any other channel;
 - (b) the fees, rates and charges which shall be payable in respect of the conveyance of any such article when so exported; and
 - (c) the conditions upon which such article shall be conveyed when so exported,

and any person who exports any such article in contravention of any such regulation shall in respect of each consignment of that article so exported incur a penalty of five hundred pounds which shall be recoverable by action in any competent court at the suit of the Minister of Justice.

121. Every officer required by the Postmaster-General to do so, shall before exercising the duties of his office take an oath before a justice of the peace in the form set forth in the First Schedule. Officers to
take oath.

122. (1) Subject to the provisions of sub-section (2), the laws mentioned in the Second Schedule are hereby repealed to the extent set out in the third column of that Schedule. Repeal of laws.

(2) Any convention or agreement entered into or in force or any regulation, notice, approval, authority, return, certificate or document issued, made, promulgated, given or granted and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been entered into, issued, made, promulgated, given, granted or taken under the corresponding provision of this Act.

123. This Act shall be called the Post Office Act, 1958. Short title.

First Schedule.

OATH TO BE TAKEN BY OFFICERS.

I (name in full) _____
do solemnly swear faithfully in my position as a post office employee to be honest, 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 or any information regarding the transactions of a depositor in the Post Office Savings Bank, nor open or detain or cause or suffer to be opened or detained any letter or other postal article or any telegram nor on any account whatever 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.

SO HELP ME GOD.

Signature _____

Sworn before me at _____

in the District of _____

on the _____ day of _____ 19____

Second Schedule.

LAWS REPEALED.

| No. and Year of Law. | Title. | Extent of Repeal. |
|----------------------|--|---|
| Act No. 10 of 1911. | Post Office Administration and Shipping Combinations Discouragement Act, 1911. | The whole. |
| Act No. 40 of 1920. | Financial Adjustments Act, 1920. | Section <i>three</i> . |
| Act No. 47 of 1920. | Post Office Administration and Shipping Combinations Discouragement Act Amendment Act, 1920. | The whole. |
| Act No. 38 of 1922. | Financial Adjustments Act, 1922. | Section <i>five</i> . |
| Act No. 34 of 1930. | Financial Adjustments Act, 1930. | Section <i>twelve</i> . |
| Act No. 31 of 1931. | Post Office (Amendment) Act, 1931. | The whole. |
| Act No. 25 of 1932. | Financial Adjustments Act, 1932. | Section <i>two</i> . |
| Act No. 2 of 1934. | Post Office (Amendment) Act, 1934. | The whole. |
| Act No. 37 of 1943. | Finance Act, 1943. | Section <i>eleven</i> . |
| Act No. 46 of 1944. | Finance Act, 1944. | Sections <i>fourteen, fifteen and sixteen</i> . |
| Act No. 50 of 1952. | Finance Act, 1952. | Section <i>five</i> . |
| Act No. 34 of 1954. | Finance Act, 1954. | Section <i>seven</i> . |
| Act No. 37 of 1958. | Finance Act, 1958. | Section <i>seven</i> . |