



BRITISH ANTARCTIC TERRITORY

THE POSTAL SERVICES ORDINANCE 2020

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THE POSTAL SERVICES ORDINANCE 2020

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BRITISH ANTARCTIC TERRITORY

Enacted by the Commissioner,
Ben Merrick,
XX XXXX 2020

Ordinance No. 10 of 2020

THE POSTAL SERVICES ORDINANCE 2020

AN ORDINANCE relating to the provision of postal services for the Territory and matters incidental thereto.

Citation and commencement.

1. This Ordinance may be cited as the Postal Services Ordinance 2020 and shall come into force on XXXXX.

Interpretation.

2. In this Ordinance, unless the contrary intention appears –

“postal agent” means a person who is or is appointed to be a postal agent under section 9 and includes a person authorised or required to receive or to transmit postal articles for the post;

“postal article” means, subject to any determination made under section 5, any letter, postcard, reply postcard, newspaper, printed packet, sample packet or parcel, and every packet or other article which is handed in to, or received by, a postal agent for transmission by post;

“post office” includes any house, building, room or place used as a post office established under section 8(1) and any post office letter box;

“postal services” includes, without prejudice to the generality of that term, the issue and sale of postage stamps for the Territory and the transmission of postal articles by post;

“properly stamped”, in relation to a postal article, means bearing postage stamps or other markings of a postal administration (whether of the Territory or of some other country) which indicate that, when that article was handed in for transmission by post, there were paid the proper charges or fees for that

purpose as determined under section 5 or under the law of that other country;
and

“the Territory” means the British Antarctic Territory as defined by section 2 of the British Antarctic Territory Order 1989.

“transmission by post” means, as the case may require –

(a) transmission within the Territory by, or in the custody or under the supervision of, a public officer authorised by the Commissioner in that behalf or otherwise in accordance with such arrangements as the Commissioner may authorise for the purposes of this Ordinance; or

(b) transmission to a place outside the Territory in accordance with arrangements for the time being in force between the Commissioner and the postal administration of other countries.

Postal
administration
of Territory.

3. The postal administration of the Territory shall be constituted by the Commissioner and other persons or authorities acting in that behalf with the Commissioner’s authorisation or under the Commissioner’s direction as provided by or under this Ordinance and shall carry out its functions as provided by or under this Ordinance.

Commissioner
to ensure
provision of
postal services.

4. (1) The Commissioner shall, in accordance with the provisions of this Ordinance, ensure the provision of postal services for the Territory.

(2) Save as may be authorised by or under this Ordinance, no other person may undertake, or may claim to be undertaking, the provision of any postal services for the Territory or the transmission, for hire or reward, of any letter or other article within the Territory or from the Territory.

(3) Any person who contravenes subsection (2) commits an offence under this Ordinance.

Power to
determine
articles not to be
“postal articles”.

5. The Commissioner may determine as regards any article or class of articles that are, or that may be, handed in or received for transmission by post –

(a) that the article, or that articles of that class, are not appropriate for such transmission and accordingly shall not be regarded as postal articles for the purposes of this Ordinance; or

(b) that the article, or that articles of that class, shall not be regarded as postal articles for the purposes of this Ordinance unless they or their condition (including, without prejudice to the generality of that term, their packaging or addressing) when handed in or received for transmission by post, or unless the other circumstances of their being so transmitted, satisfy such conditions (whether general or special) as the determination may specify.

Power to determine postal rates.

6. (1) The Commissioner may determine the postal rates for the Territory, that is to say, the respective rates of fees and charges to be paid for different postal services and in particular for the transmission of postal articles by post.

(2) For the avoidance of doubt it is hereby declared that, in exercising the power conferred by subsection (1), the Commissioner may determine different rates in respect of different postal articles (and in respect of articles of different weights or dimensions) and in respect of the transmission of postal articles to different places and may otherwise determine different rates in respect of the provision of postal services in different circumstances.

Postage stamps.

7. (1) The Commissioner may authorise the issue of postage stamps for the Territory of such denominations and designs as the Commissioner may determine and the Commissioner may determine the persons (in addition to postal agents) by whom, and the conditions subject to which, postage stamps so authorised to be issued may be sold for use in postal services.

(2) Without prejudice to the generality of section 24 of the Interpretation and General Provisions Ordinance 2020, the Commissioner may determine that any postage stamp previously authorised under this section to be issued shall, as from such date as the determination may specify, cease to be so authorised.

(3) Only postage stamps that are for the time being authorised under this section to be issued shall be valid, for use in postal services, as postage stamps for the Territory.

(4) Without prejudice to the generality of section 4(2), any person, other than a person authorised in that behalf under this section, section 9 or section 11, who issues or purports to issue or who claims to be entitled to issue postage stamps for the Territory or who sells or offers to sell, for use in postal services, such postage stamps or things purporting to be, or to serve the function of, such postage stamps commits an offence under this Ordinance.

Establishment of post offices.

8. (1) The Commissioner may from time to time by notice published in the *Gazette* establish in the Territory post offices as specified in such notice.

(2) Any such post offices shall be under the care and management of a postal agent.

Postal agent.

9. (1) The Commissioner may authorise any person to perform the functions of a postal agent for the Territory.

(2) A person authorised under this section to perform the functions of a postal agent may do so, as the authorisation may specify, at a place that has been established as a post office pursuant to section 8(1).

(3) Where no person has been authorised as provided under subsection (1) the manager or other person for the time being in charge of the place where a

post office has been established under section 8(1) shall be the postal agent in charge of that post office.

Functions of postal agents.

10. (1) The functions of a postal agent are –

- (a) to sell postage stamps for the Territory for use in postal services;
- (b) to receive for onward transmission and to transmit onwards to the appropriate destination, or to arrange for such transmission of, all postal articles that are entrusted to the postal agent for such transmission that are properly addressed and stamped;
- (c) to hold in safekeeping, or to arrange for such holding of, all such postal articles as aforesaid;
- (d) to frank postal articles that are handed in to the postal agent or received by that person and that are to be transmitted by post from a place within the Territory; and
- (e) to discharge such other powers and duties in relation to the postal services of the Territory as the Commissioner or the Postmaster may confer or impose on the postal agent.

(2) Without prejudice to the generality of subsection (1), a postal agent shall have such powers and duties in respect of the detention, examination, opening and disposal of postal articles as the Commissioner or the Postmaster may, either generally or in particular cases, confer or impose on the postal agent.

Postmaster.

11. (1) The Commissioner may appoint a Postmaster for the Territory.

(2) The Postmaster shall have superintendence and control of all postal agents. He or she shall have all the powers of a postal agent and may act as Postmaster and as postal agent in any part of the Territory.

(3) Any person other than a person who is for the time being authorised in that behalf under this section who performs or purports to perform or claims to be entitled to perform the functions of the Postmaster commits an offence under this Ordinance.

Articles not properly stamped.

12. (1) When a postal article is not properly stamped, there shall be payable by the addressee on its delivery (or, if it is refused or cannot for any other reason be delivered, by the sender) a surcharge equal to double the amount of the deficiency in the fees or charges that were payable when it was handed in for transmission by post.

(2) The amount of the surcharge payable under subsection (1) shall be indicated on the postal article by an official marking of a postal administration (whether of the Territory or of some other country) which shall, unless the

contrary be proved, be conclusive evidence in any proceedings that the amount is so payable.

(3) Without prejudice to the right of any person charged under this Ordinance with the transmission of a postal article to decline to deliver it save on payment of the surcharge payable under subsection (1), any surcharge so payable may be recovered as a debt owed to the Government of the Territory.

Determinations,
etc., by
Commissioner.

13. (1) Where, under this Ordinance, any matter falls to be determined (which expression in this section includes directed or authorised or required and, in relation to a power or a duty, includes conferred or imposed) by the Commissioner, it may be so determined by notice published in the *Gazette* or in such other manner as the Commissioner may in any particular case consider expedient.

(2) A notice published in the *Gazette* in accordance with subsection (1) that a matter has been determined by the Commissioner under this Ordinance shall be conclusive evidence that the matter was determined as so notified; but, subject to any such notice, if the question arises in any proceedings whether any matter has been determined by the Commissioner under this Ordinance or as to what that determination was, a certificate by the Commissioner that at any material time it was or was not so determined or as to what the determination was shall be conclusive of that question in those proceedings:

Provided that no person shall be convicted of an offence under this Ordinance or any other law for the time being in force in the Territory by reason of anything which that person is alleged to have done or to have failed to do by reference to such a determination unless notice of that determination had, at the time of the alleged offence, been published in the *Gazette* in accordance with subsection (1).

Offences.

14. (1) Subject to subsection (2), offences under this Ordinance may be tried only summarily and a person convicted of such an offence shall be liable to a term of imprisonment or a fine not exceeding the statutory maximum or to both such imprisonment and such fine.

(2) Subject to subsection (3), the provisions of Part I of the Forgery and Counterfeiting Act 1981 (forgery and kindred offences) which are in force in the United Kingdom in relation to United Kingdom postage stamps shall be in force in the Territory in relation to postage stamps for the Territory.

(3) The provisions of sections 5(2) and 5(3) of the Administration of Justice Ordinance 2020 shall have effect in relation to the provisions of the Forgery and Counterfeiting Act 1981 which are in force in the Territory by virtue of subsection (2) of this section as they have effect in relation to a provision of law which is in force in the Territory by virtue of section 5(1)(b) of that Ordinance.

Exclusion of
English law on
postal services.

15. (1) For the avoidance of doubt it is hereby declared –

(a) that the foregoing provisions of this Ordinance (being “specific laws” within the meaning of that term in section 5 of the Administration of Justice Ordinance 2020) exclude the operation as part of the law of the Territory, by virtue of section 5(1)(b) of that Ordinance, of the law of England relating specifically to postal services; but

(b) that the law of England, as for the time being in force in England, is otherwise in force in the Territory by virtue of the said section 5(1)(b) for the purposes of the administration and enforcement of this Ordinance.

(2) Subsection (1) is without prejudice to section 14(2).
