



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE  
BRITISH INDIAN OCEAN TERRITORY**

**THE POST OFFICE ORDINANCE 1967**

**CHAPTER G.1**

**Revised Edition**

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains a consolidation of the following laws:

The Post Office Ordinance 1967 - Ordinance No.6 of 1967

As amended by:

Ordinance No.8 of 1981

Ordinance No.1 of 1982

Ordinance No.6 of 1984

The following revised regulations have been issued in pursuance of this Ordinance:

The Post Office Regulations 1994

RRBIOT, c.G.2

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**REVISED ORDINANCES OF THE BRITISH INDIAN OCEAN  
TERRITORY**

**THE POST OFFICE ORDINANCE 1967**

**CHAPTER G.1**

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**REVISED ORDINANCES OF THE BRITISH INDIAN OCEAN  
TERRITORY**

**THE POST OFFICE ORDINANCE 1967**

**CHAPTER G.1**

*An Ordinance to provide for the establishment of a postal administration within the British Indian Ocean Territory and for matters incidental thereto and connected therewith.*

**Citation.**

1. This Ordinance may be cited as the Post Office Ordinance 1967, ROBIOT c.G.1.

**Definitions.**

2. (1) In this Ordinance unless the context otherwise requires –

**Commissioner** means the Commissioner for the British Indian Ocean Territory;

**Gazette** means the Official Gazette of the Territory;

**master** in relation to a ship, includes every person (except a pilot) having command or charge of the ship, whether the ship is a ship of war or other ship;

**postage** means the duty chargeable for the transmission of postal packets;

**postal agent** means a person who is or is appointed to be a postal agent under section 4 and includes a person authorised or required to receive or to transmit postal packets for the post;

**Postmaster** means the Postmaster for the Territory;

**post office** includes any house, building, room or place used as a post office established under section 3(1) and any post office letter box;

**postal packet** means a letter, postcard, reply postcard, newspaper, printed packet, sample packet or parcel, and every packet or article transmissible by post;

**ship** includes any boat or vessel whatsoever;

**the regulations** means any regulations made under section 27;

**the Territory** means the British Indian Ocean Territory.

(2) For the purposes of this Ordinance –

(a) a postal packet shall be deemed to be in course of transmission by post from the time of its being delivered to any post office to the time of its being delivered to the addressee;

(b) the delivery of a postal packet of any description to a person authorised to receive postal packets of that description for the post or to a postal agent to be dealt with in the course of his duty shall be a delivery to a post office; and

(c) the delivery of a postal packet at the place to which it is addressed or re-directed, or to the addressee's servant or agent or to some other person considered to be authorised to receive the packet, shall be a delivery to the addressee.

**Establishment of post offices.**

3. (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.**

4. (1) The Commissioner may appoint any person to act as postal agent for any island or group of islands comprised in the Territory and specified in the appointment.

(2) Where no person has been appointed as provided under subsection (1) the manager or other person for the time being in charge of the island or group of islands for which a post office has been established under section 3(1) shall be the postal agent in charge of that post office.

**Postmaster.**

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

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

**Oaths and affirmations not required unless otherwise directed by the Commissioner.**

6. It shall not be necessary for the Postmaster or for any postal agent, unless otherwise directed by the Commissioner, to take any oaths or make any affirmations.

### **General provision relating to postage.**

7. (1) All postage and other sums chargeable in respect of postal packets by virtue of section 27 shall be prepaid and chargeable as stamp duties.

(2) Postage stamps to be used for the purposes of subsection (1) shall be of such denominations and of such form and design as may from time to time be approved the Commissioner.

(3) No person other than a postal agent may sell postage stamps at any place and in any manner without a licence issued by the Commissioner.

(4) The marks used by postal agents for the purpose of cancelling stamps used for the payment of postage on postal packets may consist of such words or devices as the Postmaster may in his discretion think proper, including words or devices constituting advertisements in respect of the use of which postmarks payment is made by any person to the Postmaster.

### **Provision as to postage, etc. not prepaid or insufficiently prepaid.**

8. Where the postage or any other sum chargeable for the transmission of a postal packet has not been prepaid, or has been insufficiently prepaid by the sender there shall be payable by the addressee on the delivery of the packet, or, if the packet is refused or cannot for any other reason be delivered, by the sender –

(1) where the non-payment or deficiency is in respect of postage, an amount equal to double the amount of the postage or, as the case may be, of the deficiency; or

(2) where the non-payment or deficiency is in respect of a sum other than postage, an amount equal to that sum or, as the case may be, to the amount of the deficiency.

### **Recovery of postage and other sums payable.**

9. All postage and all sums payable under this Ordinance and the regulations in respect of a postal packet may be recovered as a debt due to the Crown.

### **Post office mark evidence of amount of postage etc.**

10. (1) The official mark of any sum on any postal packet as due in respect of that packet, whether the mark is the mark of the postal administration of the Territory or of any other postal administration and whether the sum is marked as being due to the Postmaster or otherwise, shall in any court be sufficient proof of the liability of the packet to the sum so marked unless the contrary is shown, and the sum shall be recoverable in such court as postage due to Her Majesty.

(2) In any proceedings for the recovery of postage or other sums due in respect of postal packets, the production of the packet in respect of which any such postage or sum is sought to be recovered having thereon a stamp or endorsement of the postal administration of the Territory, or any other postal administration indicating that the packet has been refused or rejected, or is unclaimed or cannot for any other reason be delivered, shall be sufficient proof of the fact indicated unless the contrary is shown.

(3) In any proceedings referred to in subsection (2), a certificate purporting to be signed by the Postmaster that any mark, stamp or endorsement is such a mark, stamp or endorsement as is mentioned in this section shall be sufficient proof thereof unless the contrary is shown.

(4) In any proceedings referred to in subsection (2), the person from whom any postal packet in respect of which any postage or sum is sought to be recovered purports to have come shall, unless the contrary is proved, be deemed to be the sender of the packet.

#### **Decision of Postmaster final in certain cases.**

**11.** If any question arises whether any postal packet is a letter or any other description of postal packet within the meaning of this Ordinance or of the regulations, the decision of the Postmaster thereon shall be final.

#### **Prohibition on sending by post of certain articles.**

**12.** (1) A person shall not send, or attempt to send, or procure to be sent, a postal packet which –

(a) save as the Postmaster may either generally or in any particular case allow, encloses any explosive, dangerous, noxious or deleterious substance, any filth, any sharp instrument not properly protected, any noxious living creature, or any creature, article or thing whatsoever which is likely to injure either other postal packets in course of conveyance or a postal agent;

(b) encloses any indecent or obscene print, painting, photograph, lithograph, engraving, cinematograph film, book, card or written communication, or any indecent or obscene article whether similar to the above or not;

(c) has on the packet, or on the cover thereof, any words, marks or designs which are grossly offensive or of an indecent or obscene character; or

(d) has on the packet, or on the cover thereof, any words, marks or designs of a libellous character.

(2) Any person who acts in contravention of subsection (1) shall be guilty of an offence and liable to imprisonment for one year.

(3) A postal agent may open, detain or delay a postal packet on the grounds of a contravention of this section and such detention shall not exempt the sender of the postal packet from any proceedings which might have been taken if the packet had been delivered in due course of post.

**Packets suspected to contain contraband may be opened, detained or delayed.**

**13.** (1) A postal agent may detain any postal packet suspected to contain any goods chargeable with any customs duty which has not been paid or secured or any goods in the course of importation, exportation or removal into or out of the Territory contrary to any prohibition or restriction for the time being in force with respect thereto under or by virtue of any enactment.

(2) Where any postal packet has been detained under this section the Postmaster may –

(a) in the presence of the person to whom the packet is addressed;  
or

(b) if, after notice in writing from him requiring his attendance left at or forwarded by post to the address on the packet, the addressee fails to attend, then in his absence, open and examine the packet.

(3) When the Postmaster opens and examines a postal packet under this section, then –

(a) if he finds any such goods as described in subsection (1) he may detain the packet and its contents for the purpose of taking proceedings with respect thereto;

(b) if he finds no such goods, he shall either deliver the packet to the addressee upon his paying any postage and other sums chargeable thereon or, if he is absent, forward the packet to him by post.

**Postal packet contravening provisions of Ordinance or regulations how dealt with.**

**14.** If any postal packet is posted or sent by post in contravention of this Ordinance or of the regulations, the transmission thereof may be refused and the packet may, if necessary, be detained and opened in the post office and may be returned to the sender thereof or forwarded to its destination, subject in either case to the regulations as to additional postage or other charges, or may be destroyed or otherwise disposed of as the Postmaster may direct.



**Postal agent may mark certain packets if not opened.**

15. Whenever a Postal agent shall have reason to suspect that any postal packet, bearing any address or other writing or printing thereon, which would entitle it to pass through the post office at a lower rate than that ordinarily chargeable for postal packets of the weight thereof, contains any note, writing, enclosure, or any matter or thing whatever which would subject it to a higher rate, such postal agent may mark thereon the amount due for such packet to be delivered or forwarded, unless the same be opened in his presence and he is satisfied that the correct rate has been applied.

**Postal agent may take newspaper or printed matter out of cover.**

16. (1) The Postmaster may take out any newspaper or packet of printed matter passing through the post office in order to see whether the same is in conformity with the provisions of this Ordinance or of the regulations entitling it to be transmitted by post at the rate of postage applicable to such newspaper or packet.

(2) If such newspaper or packet, as examined, is found not to be in conformity with the provisions of this Ordinance or of the regulations entitling it to be transmitted by post, the postal agent shall mark thereon the rate applicable thereto which shall be the postage payable for such newspaper or packet.

**Postal packets refused to be dealt with under section 19.**

17. Any postal packet which is refused by the person to whom the same is addressed shall be dealt with as provided under section 19.

**Postal packets after notification to be dealt with under section 19.**

18. Every postal packet which remains at any post office during the period of two months unclaimed by the person to whom it is addressed or anyone in his right, shall be entered in a list which shall be published in the *Gazette*, and if it is not claimed within fourteen days after such publication it shall be dealt with as provided under section 19.

Provided that all postal packets directed "Post Restante" shall be kept at least three months at the post office before being dealt with as provided under section 19.

**Postal packets to which section 17 or 18 applies to be opened and returned.**

19. (1) Postal packets to which section 17 or section 18 applies, if received from any place outside the Territory, shall be returned to the post offices from which they were respectively received.

(2) If such packets have been posted within the Territory, they shall be opened in the presence of a Committee consisting of the Postmaster and two

other persons to be appointed by the Commissioner. Such packets shall then be re-sealed and returned to the senders thereof respectively if they can be ascertained, and such senders shall be liable to any charge due thereon for the original transmission thereof, as well as for full return postage thereon.

#### **Postal packet how dealt with when not delivered or returned.**

20. Where for any reason any postal packet can neither be delivered nor be returned to the sender, that packet may be destroyed or otherwise disposed of as the Postmaster may direct.

#### **Master of British ship bound to carry mail.**

21. (1) The master of any British ship or the captain of any British civil aircraft about to leave any island of the Territory shall be bound to receive on board such British ship or aircraft and convey to any port or place to which he may proceed any postal packet which shall be delivered to him by a postal agent.

(2) A master or captain who fails to comply with the requirements of subsection (1) shall be guilty of an offence and liable to a fine of £1000.

#### **Penalty for opening or detaining postal packets.**

22. If a postal agent, contrary to his duty, opens or procures or suffers to be opened, any postal packet in course of transmission by post, or wilfully detains or delays, or procures or suffers to be detained or delayed, any such postal packet, he shall be guilty of an offence and liable to imprisonment for two years.

Provided that nothing in this section shall extend to the opening, detaining or delaying of a postal packet returned for want of a true direction, or returned by reason that the person to whom it is directed has refused it, or has refused or neglected to pay the postage thereof, or that the packet cannot for any other reason be delivered, or to the opening, detaining or delaying of a postal packet under the authority of this Ordinance or of the regulations or in obedience to an express warrant in writing under the hand of the Commissioner.

#### **Franking of correspondence.**

23. The Commissioner may authorise certain officers or persons in the Territory under such conditions or restrictions as he may impose to send postal packets to or from any part of the Territory without payment of any postage or other charge.

#### **Registration of postal packets.**

24. The Postmaster may make arrangements for the re-registration of postal packets which shall be registered in accordance with the regulations, if any, for the time being in force.

## **Liability in connection with postal packets.**

**25.** (1) Subject to subsection (3), no proceedings shall lie against the Crown for anything done or omitted to be done in relation to a postal packet by a person employed as a servant or agent of the Crown, nor shall any servant or agent of the Crown be subject, except at the suit of the Crown to any civil liability for any of these matters.

(2) Subject to subsection (3), the registration of, or giving of a receipt for, a postal packet, or the giving or obtaining of a certificate of posting or delivery of a postal packet, shall not render the Crown in any manner liable for the loss of the packet.

(3) Proceedings shall lie against the Crown under this subsection in respect of loss of or damage to a registered postal packet, in so far as the loss or damage is due to any wrongful act done or any neglect or default committed by a person employed as a servant or agent of the Crown while performing or purporting to perform his functions as such in relation to the receipt, carriage, delivery or other dealing with the packet.

Provided that –

(a) the amount recoverable in any proceedings under this subsection shall not exceed the market value of the packet in question (excluding the market value of any message or information which it bears) at the time when the cause of action arises;

(b) the amount recoverable in any such proceedings shall not in any event exceed the maximum amount which, under the regulations, is available for compensating the persons aggrieved having regard to the fee paid in respect of the registration of the packet; and

(c) the Crown shall not be liable under this subsection in respect of any packet unless such conditions as are prescribed by the regulations in relation to registered postal packets have been complied with in relation to that packet.

(4) For the purposes of any proceedings under subsection (3) it shall be presumed until the contrary is shown on behalf of the Crown, that the loss of or damage to the packet was due to some wrongful act done, or some neglect or default committed, by a person employed as a servant or agent of the Crown while performing or purporting to perform his functions as such in relation to the receipt, carriage, delivery or other dealing with the packet.

(5) Any reference in this section to a postal packet shall be construed as including a reference to the contents of such packet.

### **Liability in connection with money or postal orders.**

**26.** No action or other legal proceedings shall be instituted against the Crown, or against any postal agent, or any person whomsoever in respect of any compliance with the regulations which make provision with respect to money or postal orders, or otherwise in relation thereto, or in respect of the payment of any such money or postal orders being refused or delayed by or on account of any accidental neglect, omission or mistake by or on the part of any postal agent, or for any other cause whatsoever, without fraud or wilful misbehaviour on the part of any postal agent.

### **Regulations.**

**27.** (1) The Commissioner may make regulations to carry out the objects and provisions of this Ordinance.

(2) Without prejudice to the generality of subsection (1), the Commissioner may by such regulations make provision as to –

(a) the postage rates for postal packets posted in the Territory for transmission to any place within or beyond the Territory;

(b) the rates in addition to the ordinary postage rates for postal packets posted after closing time and the conditions under which such postal packets may be received;

(c) the time and mode of posting and delivery of postal packets and of the payment of postage and other sums payable in respect thereof;

(d) special conditions and regulations in respect of the transmission by post of postal packets consisting of books or papers (including letters to or from blind persons) impressed or otherwise prepared for the use of the blind, or of paper posted to any person for the purpose of being so impressed or prepared, or of any article specially adapted for the use of the blind;

(e) stamps and covers for postal packets;

(f) the form, dimensions and maximum weight of postal packets;

(g) what may be enclosed in postal packets;

(h) the use for making communications of packets not charged with postage as letters;

(i) the extent to which written matter may be permitted on the covers of postal packets and the character and position of that written matter;

(j) what circulars or commercial, legal or other documents shall be charged with postage otherwise than as letters;

(k) what marks or indications referring to the contents of a registered newspaper may be written or printed on the newspaper or on the cover thereof without causing the packet to be charged with postage as a letter;

(l) the postponement of the despatch or delivery from a post office of printed or sample packets or postcards to avoid delay in the despatch or delivery of letters;

(m) the re-direction of postal packets and the transmission of postal packets so re-directed either free of charge or subject to such postage or other charges as may be specified in the regulations;

(n) the disposal of postal packets in course of transmission by post, where it appears to the satisfaction of the Postmaster that the addressee is dead;

(o) the terms on which and the conditions subject to which a cash on delivery service may be operated and in particular such regulations may authorise a postal agent to withhold delivery of a cash on delivery packet until the sums payable in respect thereof have been paid and provide for the remission to the senders of such packets by means of money orders of the sums payable to them in respect of the packets;

(p) the remission of small sums of money through post offices by means of money or postal orders and to the demand and receipt in respect of those money or postal orders of such rates of poundage as may be fixed in such regulations. Such regulations may make provision as to the payment of money or postal orders, and to the persons by or to whom they are to be paid, and the times and places at which and otherwise as to the mode in which they are to be paid;

(q) the payment of any duty or fees and the disposal of moneys received;

(r) new offences and the maximum penalties which may be imposed therefore not exceeding a fine of one thousand pounds and two years' imprisonment,

and otherwise as to the conditions, prohibitions and restrictions subject to which postal packets may be posted, forwarded, conveyed or delivered;

and different regulations may be made for different cases or different circumstances.

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