



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.24

POST OFFICE OFFENCES ACT

Revised Edition

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POST OFFICE OFFENCES ACT

Act 2 of 1878 ... in force 31st December, 1878

Amended by: Act 6 of 1976

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CHAPTER 4.24

POST OFFICE OFFENCES ACT

AN ACT TO MAKE PROVISION FOR THE OFFENCES RELATING TO THE POST OFFICE; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Post Office Offences Act.

Interpretation.

2. In this Act—

“post letter” means any letter or packet transmitted by the post under the authority of the Postmaster or Postmistress of the State, and a letter shall be deemed a post letter from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed; and the delivery to a letter-carrier, or other person authorized to receive letters for the post, shall be a delivery to the Post Office, and a delivery at the house or office of the person to whom the letter is addressed, or to him or her, or to his or her servant or agent, or other person considered to be authorized to receive the letter according to the usual manner of delivering that person’s letters, shall be a delivery to the person addressed; and

“post letter bag” includes a mail bag or box, or packet, or parcel, or other envelope or covering in which post letters are conveyed, whether it does, or does not, contain post letters.

Evasion of postage.

3. If any person—

- (a) fraudulently gets off or removes, or causes or procures to be gotten off or removed, from any letter or cover, or any paper or other substance or material, the stamp or impression of any die, plate, or other instrument lawfully provided, made, or used in any post office in the State, with intent to use, join, fix, or place such stamp or impression for, with, or upon any other letter, cover, paper, or other substance or material;
- (b) fraudulently uses, joins, fixes, or places for, with, or upon any letter or cover, or any paper or other substance or material, any such stamp or impression, as aforesaid, which shall have been gotten off or removed from any other letter, cover, paper, or other substance or material;
- (c) fraudulently erases, cuts, scrapes, discharges, or gets out of or from, or causes or procures to be so erased, cut, scraped, discharged, or got out of or from, any letter or cover, or any other substance or material, any name, date, or other matter or thing thereon written, printed, or expressed, with intent to use any stamp or mark then expressed or being upon any such letter or cover, paper, or other substance or material, or that the same may be used for the purpose of defrauding the revenue; or
- (d) makes, does, or practises, or be concerned in, any other fraudulent act, contrivance, or device whatever, not specially provided for by this Act, with intent or design to defraud the revenue,

that person who offends in any of the several cases in this section mentioned shall forfeit and pay to the Crown, the sum of five hundred dollars, to be recovered with full costs of suit and all expenses attending the same.

(Amended by Acts 7 of 1976 and 9 of 1986)

Officer of the Post Office opening or delaying post letters, misdemeanor.

4. Any person employed in the execution of any enactment in force in the State, relating to the regulation and management of the Post Office, who contrary to his or her duty, opens, or procures or suffers to be opened, a post letter, or post letter bag, or wilfully detains or delays, or procures or suffers to be detained or delayed, a post letter, commits a misdemeanour, and shall suffer such punishment by fine or imprisonment, or by both, as to the Court shall seem meet:

Provided that nothing herein contained shall extend to the opening or detaining or delaying of a post letter returned for a want of true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead or cannot be found, or shall have refused the same or shall have refused or neglected to pay the postage thereof, or of a post letter returned by reason of the same, at the time of posting the same, not having thereon, affixed thereto, a stamp or stamps to the value or amount of the proper postage thereof, or to the opening or detaining or delaying of a post letter in obedience to an express warrant in writing under the hand of the Minister.

(Amended by Act 6 of 1976)

Officer of the Post Office stealing, embezzling, secreting, or destroying post letters, felony.

5. Any person employed in the execution of any enactment referred to in section 4 who steals, or, for any purpose, embezzles, secretes, or destroys a post letter, commits a felony, and shall be liable to be imprisoned for a term not exceeding two years, and, if any post letter so stolen or embezzled, secreted or destroyed, contains any chattel or money whatsoever, or any valuable security, every offender shall be imprisoned for a term not exceeding four years.

Stealing from, or out of, post letter, felony.

6. Every person who steals from, or out of a post letter any chattel, or money, or valuable security, commits a of felony, and shall be imprisoned for a term not exceeding four years.

Stealing post letter bag or post letter or stopping post messenger felony.

7. Every person who steals a post letter bag, or a post letter from a post letter bag, or steals a post letter from a post office, or from an officer of the Post Office, or stops any person having the custody of any post letter bag, with intent to rob or search the same, commits a felony, and shall be imprisoned for a term not exceeding four years.

Receivers of stolen goods, etc.

8. With regard to receivers of any property sent by the post and stolen therefrom, every person who receives any post letter or post letter bag, or any chattel or money or valuable security, the stealing, taking, or embezzling or secreting whereof amounts to a felony under any such enactment as aforesaid, knowing the same to have been feloniously stolen, taken, embezzled, or secreted, and to have been sent, or to have been intended to be sent, by the post, commits a felony, and may be indicted and convicted either as an accessory after the fact or for a substantive felony, and, in the

latter case, whether the principal felon shall, or shall not, have been previously convicted, or shall, or shall not, be amenable to justice, and every such receiver, however convicted, shall be liable to be imprisoned for a term not exceeding four years.

Fraudulent or wilful secretion or detaining of post letter, misdemeanor.

9. Any person who fraudulently retains, or wilfully secretes, keeps, or detains, or, being required to deliver up by any officer appointed under any such enactment as aforesaid, neglects or refuses to deliver up a post letter which ought to have been delivered to any person, or a post letter bag, or post letter which shall have been sent, whether the same shall have been found by the person secreting, keeping, or detaining, or neglecting or refusing to deliver up the same, or by any other person, commits a misdemeanour, and shall be liable to be imprisoned for a term not exceeding three years.

Criminal diversion of letters from addressee.

10. (1) If any person not employed in the execution of any such enactment as aforesaid wilfully and maliciously, with intent to injure any other person, either opens or causes to be opened any post letter which ought to have been delivered to that other person, or does any act or thing whereby the due delivery of the letter to that other person is prevented or impeded, he or she shall be liable, on summary conviction, to a fine not exceeding one thousand five hundred dollars, or to imprisonment for a term not exceeding six months.

(Amended by Acts 7 of 1976 and 9 of 1986)

(2) Nothing in this section shall apply to a person who does any act to which this section applies where he or she is parent or in the position of parent or guardian of the person to whom the letter is addressed.

Officer of Post Office stealing, secreting, destroying, detaining, etc., printed matter sent by post, misdemeanor.

11. Any person employed in the execution of any enactment referred to in section 4 who steals, or, for any purpose, embezzles, secretes, or destroys, or wilfully detains or delays in course of conveyance or delivery thereof by the post, any printed votes or proceedings in Parliament, or any printed newspaper, or any other printed paper, sent by the post without covers, or with covers open at the sides, commits a misdemeanour, and shall suffer such punishment, by fine or imprisonment, or by both, as to the Court shall seem meet.

Inciting to offences under this Act misdemeanor.

12. Every person who solicits, or endeavours to procure, any other person to commit a felony or a misdemeanour punishable under this Act, or any enactment referred to in section 4, commits a misdemeanour, and shall be liable to be imprisoned for a term not exceeding two years.

Property to be laid in the Crown.

13. In every case where an offence shall be committed in respect of a post letter bag, or of a post letter, or any chattel or money or valuable security sent by the post, it shall be lawful to lay, in the indictment presented against the offender, the property of the post letter bag, or of the post letter, or any chattel or money or valuable security sent by the post, in the Crown; and it shall not be necessary in the indictment to allege, or to prove upon the trial or otherwise, that the post letter bag, or any such

post letter, or valuable security, was of any value, and, in any indictment to be preferred against any person, employed under any such enactment referred to in section 4, for any offence committed under this Act or any such enactment referred to in section 4, it shall be lawful to state and allege that such offender was employed in a post office in the State at the time of the committing of such offence, without stating the nature or particulars of his or her employment.

(Amended by Act 6 of 1976)

Prohibition of imitation of Post Office stamps, envelopes, forms and marks.

14. (1) A person shall not, without due authority—

- (a) make, issue, or send by post or otherwise any envelope, wrapper, card, form, or paper in imitation of one issued by, or under the authority of, the Postmaster or Postmistress, or any foreign postal authority, or the postal authority of the State or of any other State, or having thereon any words, letters, or marks which signify or imply, or may reasonably lead the recipient to believe, that a post letter bearing the same is sent on the Crown's Service; or
- (b) make on any envelope, wrapper, card, form, or paper, for the purpose of being issued or sent by post or otherwise, or otherwise used, any mark in imitation of, or similar to, or purporting to be, any mark of any post office under the Postmaster or Postmistress, or under any foreign postal authority, or under any postal authority of any State, or any words, letters, or marks which signify or imply or may reasonably lead the recipient thereof to believe, that a post letter bearing the same is sent on the Crown's Service; or
- (c) issue, or send by post or otherwise, any envelope, wrapper, card, form, or paper so marked.

(Amended by Act 6 of 1976)

(2) Any person who acts in contravention of this section shall be liable, on summary conviction, to a fine not exceeding fifty dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Prohibition of fictitious stamps.

15. (1) A person shall not—

- (a) make, knowingly utter, deal in, or sell any fictitious stamp, or knowingly use, for any postal purpose, any fictitious stamp;
- (b) have in his or her possession, unless he or she shows a lawful excuse, any fictitious stamp; or
- (c) make or, unless he or she shows a lawful excuse, have in his or her possession any die, plate, instrument, or materials for making any fictitious stamp.

(2) Any person who acts in contravention of this section shall be liable, on summary conviction, on a prosecution by order of the Minister to a fine not exceeding one thousand dollars.

(3) Any stamp, die, plate, instrument, or materials found in the possession of any person in contravention of this section may be seized and shall be forfeited.

(4) For the purposes of this section, "fictitious stamp" means any facsimile, or imitation, or representation, whether on paper or otherwise, of any stamp for denoting

any rate of postage, including any stamp for denoting a rate of postage of the United Kingdom, or of any foreign country, or of any of Her Majesty's Colonies.

Prohibition of false notices as to reception of letters.

16. (1) No person shall, without authority from the Postmaster or Postmistress place or maintain in or on any house, wall, door, window, box, post, pillar, or other place belonging to him or her or under his or her control, any of the words, letters, or marks following, that is to say—

- (a) the words "Post Office," or "Postal Telegraph Office,"; or
- (b) the words "Letter Box," accompanied with words, letters, or marks which signify or imply, or may reasonably lead the public to believe, that it is a Post Office letter box; or
- (c) any words, letters, or marks which signify or imply, or may reasonably lead the public to believe, that any house or place is a post office, or that any box is a Post Office letter box,

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

(2) Any person who acts in contravention of this section shall be liable, on summary conviction, to a fine not exceeding fifty dollars, and, if the offence is continued after previous conviction, to a fine, not exceeding fifteen dollars, for every day during which the offence so continues.

(Amended by Acts 7 of 1976 and 9 of 1986)

Forgery and improper disclosure of telegrams.

17. (1) Every person who forges or wilfully and without due authority, alters a telegram, or utters a telegram, knowing the same to be forged or, wilfully and without due authority, alters, or who transmits by telegraph as a telegram, or utters as a telegram, any message or communication, which he or she knows to be not a telegram, whether he or she had, or had not, an intent to defraud, commits a misdemeanour, and shall be liable, on summary conviction, to a fine not exceeding three hundred dollars, and, on conviction on indictment, to imprisonment for a period not exceeding twelve months.

(2) If any person, being in the employment of a telegraph company as defined by this section, improperly divulges to any person the purport of any telegram, such person commits a misdemeanour, and is liable, on summary conviction, to a fine not exceeding five hundred dollars, and, on conviction on indictment, to imprisonment for any term not exceeding one year, or to a fine not exceeding five thousand dollars.

(3) For the purposes of this section—

"telegram" means a written or printed message or communication sent to, or delivered at, a post office, or the office of a telegraph company, for transmission by telegraph, or delivered by the Post Office, or a telegraph company, as a message or communication transmitted by telegraph;

"telegraph company" means any company, corporation, or persons carrying on the business of sending telegrams for the public, under whatever authority, or in whatever manner, such company, corporation, or persons may act or be constituted;

“telegraph” means a wire or wires used for the purpose of telegraphic communication, with any casing, coating, tube, or pipe enclosing the same, and any apparatus connected therewith for the purpose of telegraphic communication, and, in addition to the meaning aforesaid, means and includes any apparatus for transmitting messages or other communications by means of electric signals.

Saving clause as to liability.

18. (1) This Act shall not exempt any person from any proceeding by indictment, or otherwise, for an offence which is punishable at common law, or under any Act other than this Act, so that no person be tried or punished twice for the same offence.

(2) When proceedings are taken before any Court against a person in respect of an offence under this Act, which is also an offence punishable at common law or under some Act other than this Act, the Court may direct that, instead of such proceedings being continued, proceedings shall be taken for punishing such person at common law or under some Act other than this Act.
