

LAWS OF BRUNEI

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LAWS OF BRUNEI DARUSSALAM

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CHAPTER 52

POST OFFICE

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POST OFFICE ACT

An Act relating to the Postal Services Department

Commencement: 1st May 1988
[S 29/1988]

PART 1

PRELIMINARY

Citation

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

Interpretation

2. (1) In this Act, unless the context otherwise requires —

“commencement date” means the date when this Act shall come into operation;

“contract carrier” means any ship or other vessel, or any aircraft, for the conveyance of mails pursuant to contract or continuing arrangement;

“Department” means the Postal Services Department administered by the Postmaster General pursuant to section 3(2);

“fictitious stamp” means any facsimile or imitation or representation, whether on paper or otherwise, of any postage stamp purporting to denote any rate of postage including any stamp purporting to denote a rate of postage of any other country;

“letter box” includes any pillar box, wall box or other box or receptacle of the Department for the reception of postal articles, or any class of postal articles, for transmission by post under the authority of the Postmaster General;

“mail bag” means any bag, box, basket, parcel, envelope or covering in which postal articles in course of transmission by post are conveyed, whether it does or does not contain any such article;

“master” means, in relation to a contract carrier or a vessel, any person for the time being in charge or command of such contract carrier or vessel but does not include a sea pilot;

“officer of the Department” includes any person employed in any business of the Department or on behalf of the Department;

“port” means any area declared to be a port under the Maritime and Port Authority of Brunei Darussalam Order, 2017 (S 22/2017);

[S 22/2017]

“post office” includes every house, building, room, vessel, carriage or place used for the purposes of the Department and every letter box;

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

“postage stamp” means any label or stamp for denoting any rate of postage fee or other sum payable in respect of a postal article, and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, postcard or other article, whether such postage stamp is issued under this Act or by the government of any other country;

“postal article” includes any letter, postcard, newspaper, book, document, pamphlet, small packet, parcel, package or other article or thing whatsoever transmissible by post;

“Postmaster General” means the officer for the time being appointed to be the Postmaster General under section 3(1), and includes the Deputy Postmaster General;

“vessel” means any ship or other vessel or any aircraft, not being a contract carrier.

(2) For the purposes of this Act —

(a) a postal article is 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 addressee, or its being returned to the sender or otherwise disposed of under the provisions of this Act;

(b) a postal article is deemed to cease to be such from the time of its being delivered to the addressee, or of its being returned to the sender or otherwise disposed of under the provisions of this Act;

(c) the placing of a postal article in a letter box or the delivery of a postal article to an officer of the Department in the course of his duties is deemed to be delivery to a post office;

(d) the delivery of a postal article at the house or office or to a private box of the addressee, or to the addressee or to his servant or agent or other person considered to be authorised to receive the article according to the usual manner of delivering postal articles to the addressee, and where the addressee is a guest or is resident at a hotel, delivery to the proprietor or manager thereof or to his agent is deemed to be delivery to the addressee.

PART 2

ESTABLISHMENT

Appointment of officers

3. (1) His Majesty the Sultan and Yang Di-Pertuan may appoint an officer to be the Postmaster General and an officer to be the Deputy Postmaster General and such officers of the Department under such official designations as he may deem expedient for carrying out the provisions of this Act.

(2) Subject to any direction of the Minister, the Postmaster General shall be charged with the administration and control of the Department and shall be responsible for the provision out of public funds of postal services in Brunei Darussalam in accordance with the provisions of this Act.

Post offices

4. (1) The Postmaster General may establish post offices at such places in Brunei Darussalam as he may deem expedient.

(2) Every post office which shall be lawfully continuing in Brunei Darussalam immediately before the commencement date shall be deemed to have been established under the provisions of this Act.

(3) If any post office shall have been lawfully authorised to be established before the commencement date but shall not have actually established pursuant to such authority before the commencement date, then the establishment of such post office shall be deemed to have been authorised pursuant to the provisions of this Act.

(4) The Postmaster General may, if he deems it expedient, discontinue any post office.

PART III

PRIVILEGE AND PROTECTION OF GOVERNMENT

Exclusive privilege of Postmaster General

5. (1) Subject to the provisions of this section, the Postmaster General, by himself or by the officers of the Department, shall within Brunei Darussalam have the exclusive privilege of conveying from one place to another, and of performing all the incidental services of receiving, collecting, despatching and delivering, all letters except —

(a) letters not exceeding three in number sent by a private friend on his way, journey or travel, for delivery by such friend to the person or persons to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them;

(b) letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger employed for that purpose;

(c) letters solely concerning goods or other property, sent either by sea or by land or by air to be delivered with the goods or property which such letters concern, without hire, reward or other profit or advantage for receiving, carrying or delivering them, provided that such letters are open to inspection and have superscribed thereon the words “Consignee’s letters” or other words to the same effect.

(2) Nothing contained in subsection (1) shall authorise any person to make a collection of letters except as mentioned in that subsection for the purpose of sending them otherwise than by post.

(3) Subject as mentioned in subsections (1) and (2), the following persons are expressly forbidden to collect, carry, tender or deliver letters or to receive letters for the purpose of carrying or delivering the letters, although they receive no hire, reward or other profit or advantage for doing so —

(a) common carriers of passengers or goods and their drivers, servants or agents except as regards letters solely concerning goods in their carriages or conveyances;

(b) owners, masters or chin-chews of contract carriers or vessels passing to or from any port or place within Brunei Darussalam from or to any port or place within or outside Brunei Darussalam, and their servants or agents, except as regards letters solely concerning goods on board, such letters being open to inspection and having the words “Consignee’s letter” or other words to the same effect superscribed thereon, and except letters tendered to a master of a contract carrier or vessel by an officer of the Department for conveyance;

(c) passengers or other persons on board such contract carriers or vessels.

(4) For the purposes of this section and of sections 6 and 63, “letter” includes a postcard.

No letters to be conveyed except by post

6. Unless exempt by law, no letters shall be conveyed into or out of Brunei Darussalam from or to any place between which and Brunei Darussalam, posts or postal communications are established, or from one port to another, or be delivered or distributed in Brunei Darussalam otherwise than by or through the post.

Minister may grant licence [S 17/1997]

6A. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, grant a licence on such conditions and in consideration of such sum as he thinks fit to any person for the doing of any act or the performance of any service falling within section 5(1) or 6 as is mentioned in the licence; and anything done under and in accordance with such a licence shall not constitute a contravention of the exclusive privilege conferred by section 5(1) or 6.

(2) Notwithstanding any provision in the licence —

(a) a licence shall not be transferred by the licensee without the prior written approval of the Minister;

(b) the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, suspend or revoke a licence upon a breach of any condition or in default of the payment of any sum due thereafter.

Exemption from liability for loss, misdelivery, delay or damage

7. (1) The Government shall not incur any liability by reason of the loss, misdelivery or delay of, or damage to, any postal article in course of transmission by post.

(2) No officer of the Department shall incur any liability by reason of any such loss, misdelivery, delay or damage, unless he has knowingly caused the same fraudulently or maliciously or by his wilful act or default.

PART 4

POSTAGE

Power to fix rates of postage

8. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*, fix the rates of postage and other fees or sums to be charged in respect of postal articles sent under this Act and may prescribe the scale of weights, dimensions, terms and conditions according or subject to which the rates so fixed shall be charged.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, amend in accordance with changes in overseas postal rates and changes notified to him by the Universal Postal Union, the rates of postage and other fees or sums to be charged in respect of postal articles sent under this Act to places outside Brunei Darussalam.

Articles that may be sent by post as printed matter etc.

9. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*, declare what articles may be sent by post as printed matter, small packets and literature for the blind within the meaning of this Act.

Power to make rules as to payment of postage and fees in certain cases

10. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make such rules as may be necessary for carrying out this Part and, without prejudice to the generality of that power, may make rules for —

- (a) the prepayment of postage on postal articles or any class of postal articles and for the manner in which payment is to be made;
- (b) the franking of official postal articles;
- (c) fines to be charged on postal articles when the postage is not prepaid or is insufficiently prepaid;
- (d) the redirection of postal articles and the transmission by post of articles so redirected, either free of charge or subject to such further charge as may be specified in the rules;
- (e) the fees to be charged for private boxes and locked bags.

Articles posted by mistake

11. When any postal article is delivered to the Department and has thereby become liable to postage and evidence is adduced to the satisfaction of the Postmaster General that such article has been delivered to the Department by mistake, the Postmaster General may cause such article to be opened or otherwise examined in the presence of an officer of the Department and may return the same without charge to the person interested unless such article shall contain any letter or manuscript liable to postage, in which case the Postmaster General shall retain the article until the full rate of postage upon such letter or manuscript has been paid thereon.

*Unpaid and Refused Postal Articles***Liability for payment of postage**

12. (1) The person to whom any postal article shall be tendered for delivery on which postage or any other fee or sum is due shall be bound to pay the postage or other fee or sum due on his accepting delivery of the postal article, unless he forthwith returns it unopened.

(2) If any such postal article appears to the satisfaction of the Postmaster General to have been maliciously sent for the purpose of annoying the addressee, he may remit the postage or other fee or sum due.

(3) If any postal article on which postage or any other fee or sum chargeable is due, is refused or returned as aforesaid, or if the addressee is dead or cannot be found, then the sender shall be bound to pay the postage or other fee or sum due thereon.

Recovery of postage and other fees or sums due in respect of postal articles

13. (1) If any person refuses to pay any postage or other fee or sum due from him in respect of any postal article, the Postmaster General or any officer in charge of a post office may withhold from the person so refusing any postal article addressed to that person, not being on Government service, until such postage or other fee or sum due has been paid or recovered.

(2) The fee or sum so due may be recovered from such person for the use of the Department on the application of any officer of the Department, authorised in that behalf by the written order of the Postmaster General, as if it were a fine imposed under this Act by a Court of a Magistrate.

Post Office marks to be *prima facie* evidence of certain facts denoted

14. In every proceeding for the recovery of any postage or other fee or sum alleged to be due under this Act in respect of a postal article —

(a) the production of a postal article having thereon the official mark of the Department denoting that the article has been refused, or that the addressee is dead or cannot be found, shall be *prima facie* evidence of the fact so denoted; and

(b) the person from whom any postal article purports to come shall, until the contrary is proved, be deemed to be the sender thereof.

Official mark to be evidence of amount of postage due

15. The official mark or label on a postal article denoting that any postage or other fee or sum is due in respect thereof to the Department or to the postal administration of any foreign country, shall be *prima facie* evidence that the sum denoted as aforesaid is so due.

PART 5

POSTAGE STAMPS

Provision of postage stamps and power to make rules as to postage stamps

16. (1) His Majesty the Sultan and Yang Di-Pertuan may cause postage stamps to be provided of such kinds and denoting such values as His Majesty the Sultan and Yang Di-Pertuan may think necessary for the purposes of this Act.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may make rules as to the supply, sale and use of postage stamps.

(3) In particular and without prejudice to the generality of subsection (2), such rules may —

(a) fix the price at which postage stamps shall be sold;

(b) declare the classes of postal articles in respect of which postage stamps shall be used for the payment of postage or other sums chargeable under this Act;

(c) prescribe the conditions with regard to perforation, defacement and all other matters subject to which postage stamps may be accepted or refused in payment of postage or other fees or sums;

(d) regulate the custody, supply and sale of postage stamps;

(e) declare the persons by whom the terms and conditions subject to which postage stamps may be sold; and

(f) prescribe the duties and remuneration of persons selling postage stamps.

Postage stamps deemed to be stamps for purpose of revenue

17. Postage stamps provided under section 16 are deemed for the purposes of the Penal Code (Chapter 22) to be stamps issued by the Government for the purpose of revenue and subject to the provisions of this Act and to any rules made thereunder, shall be used for the prepayment of postage or other fees or sums chargeable under this Act in respect of postal articles, except where the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, directs that prepayment shall be made in some other way.

PART 6

CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES

Power to make rules as to transmission by post of postal articles

18. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules as to the transmission by post of postal articles.

(2) In particular and without prejudice to the generality of subsection (1), such rules may —

(a) provide for the granting of receipts for, and the granting and obtaining of certificates of posting and delivery of postal articles, and the fees or sums to be paid, in addition to any other postage, for such receipts and certificates;

(b) regulate covers, forms, dimensions, weights and enclosures of postal articles;

(c) regulate the use of postal articles other than letters for making communications; and

(d) prohibit the transmission by post of postal articles not specified in section 22 or lay down special conditions on which articles not specified in section 22 may be transmitted by post.

(3) Postal articles shall be posted and delivered at such times and in such manner as the Postmaster General may direct.

Liability for loss of postal articles

19. Except as provided in this Act or any rules made thereunder, the registration of, or giving a receipt for, a postal article or the giving or obtaining of a certificate of posting or delivery of a postal article shall not render the Postmaster General or the Consolidated Fund in any manner liable for the loss of the article or the contents thereof.

Redelivery to sender of postal article in course of transmission by post

20. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by rule provide for the redelivery to the sender without reference to the consent of the addressee and subject to such fee and to such terms and conditions (if any) as may be deemed fit, of any postal article in course of transmission by post.

(2) Except as provided by any rules that may be made under this section, the sender shall not be entitled to recall a postal article in course of transmission by post.

Transmission by post of anything injurious etc. prohibited

21. (1) No person shall send by post any article or thing which is likely to injure postal articles in course of transmission by post or any officer of the Department.

(2) Except as otherwise provided by rules made under this Act and subject to such conditions as may be prescribed, no person shall send by post any explosive, inflammable, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure postal articles in course of transmission by post or any officer of the Department.

(3) Except under such rules as the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan, may make in this behalf, no person shall send by post opium, morphine, cocaine or any narcotic.

(4) Nothing in this section shall affect the provisions of any written law relating to the misuse of drugs.

Transmission by post of anything indecent etc. prohibited

22. (1) No person shall send by post —

(a) any indecent or obscene printing, painting, photographs, lithograph, engraving, book or card, or any other indecent or obscene article;

(b) any postal article having thereon, or in the cover thereof, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening, or grossly offensive character;

(c) any postal article bearing any fictitious stamp or purporting to be prepaid with any postage stamp which has previously been used to prepay any other postal article or which has been previously used in payment of any stamp duty;

(d) correspondence containing any public lottery ticket or any advertisement of prizes or any other announcement relating to any public lottery, sweepstake or other gambling transaction; or

(e) any other article which the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may by rule prohibit.

(2) In subsection (1)(a), “article” has the same meaning assigned to it by section 292(2) of the Penal Code (Chapter 22).

Minister to make rules dealing with prohibited articles

23. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make such rules as the Minister shall think fit for preventing the sending and delivery of articles prohibited by section 21 or 22 and for detaining, disposing of or destroying any such postal article sent or tendered for transmission by post.

Power to postpone despatch or delivery of certain postal articles

24. (1) When the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of printed matter, small packets and parcels or any of them, such printed matter, small

packets, parcels or any of them, may, subject to such rules as the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may make in this behalf, be detained in the Department so long as may be necessary.

(2) Where separate parcel posts are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the Department for that purpose.

Power to deal with postal articles posted in contravention of Act

25. (1) Any postal article sent by post which is suspected by the Postmaster General to be sent in contravention of any of the provisions of this Act or of any rule made thereunder may be detained and opened in the post office in the presence of the Postmaster General and shall either be returned to the sender or forwarded to its destination, in each case charged with such additional postage (if any) as the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan prescribes unless otherwise dealt with under sections 26, 28, 29, 30 and 31.

(2) Any officer in charge of a post office or authorised by the Postmaster General in that behalf may open or unfasten any printed packet, literature for the blind, or small packet, in course of transmission by post, with a view to detect any attempt to contravene the provisions of this Act or of any rule made thereunder.

(3) If any question arises whether any postal article is a letter or any other description of postal article within the meaning of this Act, the decision thereon of the Postmaster General shall be final and shall not be subject to appeal to or review in any court.

Prohibited articles may be destroyed

26. (1) Any postal article sent by post in contravention of the provisions of section 21 may, under the authority of the Postmaster General, if necessary, be opened and destroyed.

(2) Any postal article sent by post in contravention of the provisions of section 22(a), (b), (d) or (e) may, under the authority of the Postmaster General, be destroyed or returned to the sender.

(3) Any postal article sent by post in contravention of section 22(c) shall be sent to the office of the Postmaster General and be dealt with as he may direct.

Extension of sections 21, 22, 23, 25 and 26

27. The provisions of sections 21, 22, 23, 25 and 26 apply to any article or thing sent from outside Brunei Darussalam in like manner as to any article or thing sent from within Brunei Darussalam.

Power to deal with postal articles in respect of which offence is being committed

28. (1) When any officer of the Department not below the rank of Controller or other officer of the Department to whom powers under this section have been expressly delegated by the Postmaster General —

(a) shall have reason to believe that any postal article contains anything in respect of which an offence is being committed or is being attempted to be committed; or

(b) is requested to do so by the Commissioner of Police or the Controller of Customs,

he shall require, by notice in writing, the attendance at the post office at a specified time of the addressee of such postal article, or of some agent deputed in writing by such addressee, and of person if any, who made the request, or his agent deputed in writing, and such postal article shall then be opened by the addressee or his agent in the presence of an officer of the Department and of any other person named or referred to in the notice who attends.

(2) If such addressee or his agent fails to attend in pursuance of the notice or refuses to open the article, the article shall be opened by the officer of the Department in the presence of any of the persons named or referred to in the notice who attends.

(3) In all cases, a postal article after being opened under this section shall be tendered for delivery to the addressee unless it is required for the purpose of any further proceedings under this Act or any rules made thereunder or under any other written law.

Power to intercept postal articles for public good

29. (1) On the occurrence of any public emergency or in the interests of public safety or tranquillity, the Minister may, by order in writing, direct that any postal article or class or description of postal articles in course of

transmission by post shall be intercepted or detained, and shall be delivered to any officer mentioned in the order to be dealt with in such manner as the Minister may direct; and thereupon such postal articles shall be intercepted or detained and dealt with accordingly.

(2) If any doubt arises as to the existence of a public emergency or as to whether any act done under subsection (1) was in the interests of public safety or tranquillity, a certificate signed by the Minister shall be conclusive proof on the point.

Detention of articles containing seditious matter

30. (1) The Postmaster General or any public officer authorised by him in writing in that behalf may detain any postal article in course of transmission by post which he has reasonable cause to suspect to contain seditious matter.

(2) Such postal article may, with the express authorisation in writing of the Postmaster General, be opened and, if in fact it does contain seditious matter, may be handed over to the police.

(3) In this section, “seditious matter” means words, signs or visible representations having a seditious intention or a seditious tendency as defined in any written law relating to sedition.

Power to deal with postal articles from abroad bearing fictitious or previously used stamps

31. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules as to the conditions under which a postal article received from any place outside Brunei Darussalam —

(a) bearing a fictitious stamp; or

(b) purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal article or which has been previously used for any other purpose,

may be delivered to the addressee and the manner in which the article shall be dealt with if the addressee refuses to comply with those conditions.

Payment of compensation for loss or damage of articles sent by parcel post

32. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules for the payment of compensation for the loss or damage in course of transmission by post of postal article sent by parcel post and may prescribe the conditions under which such compensation may be paid and the limit of the amount of such compensation.

PART 7

REGISTRATION, RECORDED DELIVERY AND INSURANCE

Registration of postal articles

33. (1) The sender of a postal article may, subject to the other provisions of this Act, have the article registered at the post office at which it is posted and require a receipt therefor and the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette* direct that, in addition to any postage chargeable under this Act, such fees as are fixed by the notification shall be paid on account of the registration of postal articles.

(2) In the event of the loss of any registered postal article while in the custody of the Department, the Postmaster General may pay an indemnity in accordance with the provisions of the Convention regulating the affairs of the Universal Postal Union at the time the loss occurred.

Power to make rules as to registration

34. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules as to the registration of postal articles.

(2) In particular and without prejudice to the generality of subsection (1), such rules may —

- (a) declare what classes of postal articles may be registered;
- (b) declare in what cases registration shall be required;
- (c) prescribe the manner in which the fees for, or in connection with, registration shall be paid; and

(d) direct what fines, if any, shall be charged in addition to the registration fee on the delivery of a postal article required to be registered on which the postage and registration fee has not been fully prepaid.

(3) Postal articles made over to the Department for the purpose of being registered shall be delivered when registered at such times and in such manner as the Postmaster General may order.

Recorded delivery

Recorded delivery of postal articles

35. The sender of a postal article addressed to a place in Brunei Darussalam may, subject to the other provisions of this Act, send the article from a place in Brunei Darussalam by the recorded delivery service and require a receipt therefor and the Minister may, by notification published in the *Gazette*, direct that, in addition to any postage chargeable under this Act, such fees as are fixed by the notification shall be paid on account of or in connection with the recorded delivery of postal articles.

Power to make rules as to recorded delivery

36. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules as to the recorded delivery service.

(2) In particular and without prejudice to the generality of subsection (1), such rules may —

(a) declare what classes of postal articles may be accepted by the Department for transmission by the recorded delivery service;

(b) prescribe the manner in which the fees for, or in connection with, the recorded delivery of postal articles shall be paid; and

(c) prescribe the circumstances and conditions under which the Department may indemnify any person, and the maximum amount of such indemnity, in respect of any postal article which is proved to the satisfaction of the Postmaster General to have been admitted by the Department for transmission by the recorded delivery service and lost whilst in the custody of the Department.

(3) Postal articles made over to the Department for the purpose of transmission by the recorded delivery service shall be delivered at such times and in such manner as the Postmaster General may order.

Insurance

Insurance of postal articles

37. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*, direct that —

(a) any postal article may, subject to the other provisions of this Act, be insured at the post office at which it is posted against the risk of loss or damage in course of transmission by post, and that a receipt therefor shall be granted to the person posting it; and

(b) in addition to any postage and fees for registration chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the insurance of postal articles.

Power to require insurance of postal articles

38. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette*, declare in what cases insurance of a postal article shall be required, and may direct that any postal article required to be insured which has been posted without being insured, shall be returned to the sender or delivered to the addressee, subject to the payment of such special fee as may be fixed by the notification.

(2) The levy of such special fee as mentioned in subsection (1) shall not impose any liability on the Government in respect of the postal articles.

Power to make rules as to insurance

39. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules as to the insurance of postal articles.

(2) In particular and without prejudice to the generality of subsection (1), such rules may —

(a) declare what classes of postal articles may be insured under section 37;

(b) fix the limit of the amount for which postal articles may be insured; and

(c) prescribe the manner in which the fees for insurance shall be paid.

(3) Postal articles made over to the Department for the purpose of being insured shall be delivered when insured at such places and times and in such manner as the Postmaster General may by order appoint.

Power to pay compensation in respect of postal articles insured

40. (1) Subject to such conditions and restrictions as the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may by rule prescribe, if an insured postal article or any article of pecuniary value enclosed in or forming part of an insured postal article is lost or damaged while in course of transmission by post, the Postmaster General may pay to the sender thereof, if in his opinion such person establishes a reasonable claim to compensation, such sum as he may think fit not exceeding the amount for which such postal article has been insured.

(2) No person shall with intent to defraud, insure a postal article for a sum greater than the real value of the contents thereof, and where the Postmaster General is satisfied that a postal article has been fraudulently insured as aforesaid, no claim for compensation shall be considered.

PART 8

CASH-ON-DELIVERY

Cash-on-delivery postal articles

41. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by notification published in the *Gazette* direct that, subject to the provisions of this Act and to the payment of fees at such rates as may be fixed by the notification, a sum of money specified in writing at the time of posting by the sender of the postal article shall be recoverable on the delivery thereof from the addressee and that the sum so recovered shall be paid to the sender:

Provided that the Government shall not incur any liability in respect of the sum specified for recovery unless and until that sum has been received from the addressee.

(2) Postal articles sent in accordance with the provisions of this section are in this Part described as “cash-on-delivery” postal articles.

Power to make rules as to cash-on-delivery postal articles

42. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules as to the transmission by post of cash-on-delivery postal articles.

(2) In particular and without prejudice to the generality of subsection (1), such rules may —

(a) declare what classes of postal articles may be sent as cash-on-delivery postal articles;

(b) limit the value to be recovered on the delivery of any cash-on-delivery postal article; and

(c) prescribe the form of declaration, if any, to be made by senders of cash-on-delivery postal articles and the time and manner of the payment of fees.

(3) Postal articles made over to the Department for the purpose of being sent as “cash-on-delivery” shall be delivered at such times and in such manner as the Postmaster General may order.

PART 9

UNDELIVERED POSTAL ARTICLES

Power to make rules as to disposal of undelivered postal articles

43. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules as to the disposal of postal articles which, for any reason, cannot be delivered. Such articles are in this Part referred to as “undelivered postal articles”.

(2) In particular and without prejudice to the generality of subsection (1), such rules may —

(a) prescribe the period during which undelivered postal articles at a post office shall remain in that office;

(b) provide for the publication of lists of undelivered postal articles, or of any class of undelivered postal articles;

(c) provide for the manner in which undelivered postal articles shall be finally dealt with or disposed of;

(d) prescribe charges for the storage, return, redirection or other disposal of undelivered postal articles.

PART 10

MAILS CONVEYED BY VESSELS

Duty of master of vessel departing from any port in Brunei Darussalam and not being a contract carrier to convey mail bags

44. The master of a vessel about to depart from any port or place in Brunei Darussalam to any port or place within or any port or place beyond Brunei Darussalam shall receive on board any mail bag tendered to him by any officer of the Department for conveyance, granting a receipt therefor in such form as the Postmaster General may approve, and shall, without delay, deliver the mail bag at the port or place of destination.

Duty of master of vessel arriving at port in Brunei Darussalam in respect of mail bags and postal articles on board

45. (1) The master of any contract carrier or any vessel arriving at any port or place in Brunei Darussalam shall, without delay, cause every mail bag or postal article on board which is directed to such port or place and is within the exclusive privilege conferred on the Postmaster General by section 5 to be delivered either at the post office at that port or place or to some officer of the Department authorised to receive the same.

(2) If there is on board any mail bag or postal article which is directed to any other place within Brunei Darussalam and is within such exclusive privilege the master shall, without delay, report that fact to the

officer in charge of the post office at the port or place of arrival and act according to the directions he may receive from such officer, and the receipt of such officer shall discharge him from all further responsibility in respect of that postal article or mail bag.

(3) The master of every such contract carrier or vessel shall not break cargo or make entry of any part of the cargo of such contract carrier or vessel in any port or place in Brunei Darussalam until he has complied with this section.

Notice to be given to post office of departure of vessel

46. Every owner or agent of a contract carrier or vessel, proposing to despatch such contract carrier or vessel from any port or place in Brunei Darussalam to any other port or place within or outside Brunei Darussalam, shall give to the officer in charge of the post office of the port or place —

(a) reasonable notice in writing of —

- (i) the day and hour of the intended departure of such contract carrier or vessel; and
- (ii) the ports or places at which such contract carrier or vessel is to call; and

(b) immediate notice in writing of any alteration in the day or hour of departure or of the ports or places of call,

in order that such officer may notify to the public the day and hour for closing the mails (if any) to be made up for such contract carrier or vessel.

Gratuities to masters or owners of vessels for conveyance of mail bags and postal articles generally

47. (1) The Postmaster General may determine the rates of gratuities to be paid to the masters, owners or agents of vessels, not being Government vessels or contract carriers, for the conveyance of mail bags and postal articles generally or in particular cases.

(2) Before payment is made, the Postmaster General may require the master of any vessel to produce a certificate from the post office of destination that such articles have been duly received from him.

(3) No gratuity shall be payable —

- (a) unless application is made for payment within 12 months of the date of despatch of such postal articles to the post office of destination;
- (b) if there has been unreasonable delay on the part of the master in delivering his mail at the post office of destination; or
- (c) if the mails have been damaged in transit, unless the master proves to the satisfaction of the Postmaster General that such damage is not due to any fault or lack of sufficient care on his part.
- (4) If the master of any vessel satisfies the Postmaster General that he will not be returning to Brunei Darussalam within the 12 months prescribed by subsection (3)(a), the Postmaster General may pay the gratuities in advance.

PART 11

MONEY AND POSTAL ORDERS

Power to maintain money order system and to make rules as to remittance

48. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, provide for the remitting of small sums of money through the Department by means of money orders, and may make rules as to such money orders.

(2) In particular and without prejudice to the generality of subsection (1), such rules may prescribe —

- (a) the limit of amount for which money orders may be issued;
- (b) the period during which money orders shall remain current;
and
- (c) the rates of commission or fees to be charged on money orders or in respect thereof.

(3) Money orders shall be issued and paid at such times and in such manner as the Postmaster General may order.

Power for remitter to recall money order or alter name

49. (1) Subject to such conditions as the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may by rules made under section 48 prescribe in respect of the levy of additional rates of commission or fees or any other matters, a person remitting money through the Department by means of a money order may require that the amount of the order, if not paid to the payee, be repaid to him or be paid to such person other than the original payee as he may direct.

(2) The Postmaster General shall pay into the Consolidated Fund the amount payable on a money order where a claim in respect thereof is not made within a period of one year from the date of issue of such order:

Provided that the Postmaster General may in any case where a claim is made after one year but not later than 3 years from the date of issue of the money order pay the amount of such order to the payee or remitter thereof if he is satisfied that —

(a) there is a reasonable cause for the delay in making the claim; or

(b) hardship would be suffered by such payee or remitter if such amount were not paid.

Power to provide for issue of postal orders

50. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, authorise the issue, in such form as may be suitable, of money orders, to be called postal orders or by such other designation as may be deemed appropriate, for certain fixed amounts, and may make rules as to the rates of commission to be charged thereon, and the manner in which, and conditions subject to which, they may be issued, paid and cancelled.

Recovery of money order or postal order paid to wrong person

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

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

(b) the amount of a money order or postal order paid by an officer of the Department to him instead of to some person to whom it ought to have been paid,

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

Exemption from liability in respect of money orders and postal orders

52. The Government shall not incur any liability in respect of —

(a) anything done under any rule made by the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, under this Part;

(b) the wrong payment of a money order or postal order;

(c) any loss or injury occasioned by delay in payment of a money order or postal order; or

(d) any other irregularity in connection with a money order or postal order,

and no officer of the Department shall incur any liability under paragraph (a), (b), (c) or (d) unless his act or default is fraudulent or wilful.

Money orders and postal orders to be deemed valuable securities

53. For the purposes of the Penal Code (Chapter 22), a money order or postal order are deemed to be a document and a valuable security.

PART 12

PENALTIES AND PROCEDURE

*Offences by officers of Department***Penalty for misconduct of person employed to carry or deliver mail bags or postal articles**

54. Any person who, being employed to carry, deliver or handle any mail bag or postal article in course of transmission by post —

(a) is in a state of intoxication while so employed;

(b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or postal article is endangered;

(c) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article; or

(d) does not use due care and diligence safely to convey or deliver any such mail bag or postal article,

is guilty of an offence and liable on conviction to a fine of \$500.

Penalty for voluntary withdrawal from duty without permission

55. Any person who, being employed to carry, deliver or handle any mail bag or postal article in course of transmission by post, voluntarily withdraws from the duties of his office without permission or without having given one month's previous notice in writing is guilty of an offence and liable on conviction to a fine of \$500 and imprisonment for one month.

Penalty for making false entry in register

56. Any person who, being employed to carry or deliver any mail bag or postal article in the course of transmission by post and required while so employed to keep any register, makes or causes or suffers to be made any false entry in the register with intent to induce the belief that he has visited a place, or delivered a mail bag or postal article, which he has not visited or delivered, is guilty of an offence and liable on conviction to a fine of \$1,000 and imprisonment for 6 months.

Penalty for theft etc. of postal articles

57. Any person who, being an officer of the Department, commits theft in respect of, or dishonestly misappropriates or for any purpose whatsoever secretes, destroys, or throws away, any postal article in course of transmission by post or anything contained therein, is guilty of an offence and liable on conviction to a fine and imprisonment for 7 years.

Penalty for opening, detaining or delaying postal articles

58. (1) Any person who, being an officer of the Department, contrary to his duty —

(a) opens or causes or suffers to be opened any mail bag or postal article in course of transmission by post; or

(b) wilfully detains or delays, or causes or suffers to be detained or delayed, any such mail bag or postal article,

is guilty of an offence and liable on conviction to a fine and imprisonment for 2 years.

(2) Nothing in this section shall extend to the opening, detaining or delaying of any mail bag or postal article under the authority of this Act, or in obedience to the order in writing of His Majesty the Sultan and Yang Di-Pertuan in Council, the Minister, the Postmaster General or the direction of a competent court.

Penalty for fraud in connection with official marks and for receipt of unauthorised payments

59. Any person who, being an officer of the Department —

(a) fraudulently puts any wrong official mark on a postal article;

(b) fraudulently alters, removes, or causes to disappear, any official mark which is on a postal article; or

(c) being entrusted with the delivery of any postal article, knowingly demands or receives any sum of money which is not chargeable under this Act,

is guilty of an offence and liable on conviction to a fine and imprisonment for 2 years.

Penalty for fraudulently preparing, altering, secreting or destroying documents

60. Any person who, being an officer of the Department, entrusted with the preparing or keeping of any document fraudulently —

- (a) prepares the document incorrectly; or
- (b) alters, or secretes or destroys the document,

is guilty of an offence and liable on conviction to a fine and imprisonment for 2 years.

Penalty for fraudulently sending unpaid postal articles

61. Any person who, being an officer of the Department, sends by post, or puts into any mail bag, any postal article upon which postage has not been paid or charged in the prescribed manner intending thereby to defraud the Government of the postage on such postal article, is guilty of an offence and liable on conviction to a fine and imprisonment for 2 years.

Penalty for money orders issued with fraudulent intent

62. Any person who, being an officer of the Department, issues a money order with fraudulent intent is guilty of an offence and liable on conviction to a fine and imprisonment for 7 years.

Other offences

Penalty for contravention of section 5

63. (1) Any person who —

- (a) conveys, otherwise than by post, any letter within the exclusive privilege conferred on the Postmaster General by section 5;
- (b) performs any service incidental to conveying otherwise than by post any letter within such exclusive privilege;
- (c) sends or tenders or delivers in order to be sent otherwise than by post any letter within such exclusive privilege;

(d) makes a collection of letters excepted from such exclusive privilege for the purpose of sending them otherwise than by post; or

(e) collects, carries, tenders, delivers or receives any letters in contravention of section 5(3),

is guilty of an offence and liable on conviction to a fine of \$50 for every such letter.

(2) Any person who, having already been convicted of an offence under this section, is again convicted thereunder shall, on every such subsequent conviction, be liable to a fine of \$100 for every such letter, or, if the letters are less than ten, to a fine of \$1,000.

Penalty for breach of rules under section 16

64. Any person who, being appointed to sell postage stamps —

(a) takes, either by himself or by his agent, from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 16(3)(a) is guilty of an offence and liable on conviction to a fine of \$1,000 and imprisonment for 6 months;

(b) contravenes any rule made under section 16 is guilty of an offence and liable on conviction to a fine of \$1,000 and, in default of payment of such fine, imprisonment for 6 months.

Penalty for contravention of section 21 or 22

65. (1) Any person who, in contravention of the provisions of section 21 or 22, sends or tenders or makes over in order to be sent by post any postal article or other thing, is guilty of an offence and liable on conviction to a fine and imprisonment for one year.

(2) The detention in the Department of any postal article on the ground of its having been sent in contravention of the provisions of section 21 or 22 shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.

Penalty for defiling or injuring letter boxes

66. Any person who —

(a) places in or against any letter box any fire, match, light or any explosive, dangerous, filthy, noxious or deleterious substance of any fluid;

(b) commits a nuisance in or against any such letter box; or

(c) does anything likely to injure any such letter box or its appurtenances or contents,

is guilty of an offence and liable on conviction to a fine and imprisonment for one year.

Penalty for affixing without authority anything to or disfiguring post office

67. Any person who, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars, or in any way disfigures any post office is guilty of an offence and liable on conviction to a fine.

Penalty for making false declaration

68. Any person who, being required by this Act to make a declaration in respect of any postal article to be sent by post or the contents or value thereof, makes in his declaration any statement which he knows or has reason to believe to be false in any material particular, or does not believe to be true, is guilty of an offence and liable on conviction to a fine of \$500, and, if the false declaration is made for the purpose of defrauding the Government, a fine of \$1,000.

Penalty for master of vessel failing to comply with sections 44 and 45

69. Any person who —

(a) being the master of a vessel, fails to comply with the provisions of section 44;

(b) being the master of a contract carrier or a vessel, without reasonable excuse, the burden of proving which shall lie on him, fails

to deliver any mail bag or postal article, or to comply with the directions of the officer in charge of the post office at a port of arrival, as required by section 45(2); or

(c) being the master of a contract carrier or a vessel, refuses or wilfully neglects, if in quarantine, to deliver any mail bag or postal article in his possession to the person appointed to receive it,

is guilty of an offence and liable on conviction to a fine of \$1,000.

Penalty for failure to comply with section 46

70. Any person who, being the owner or agent of a contract carrier or a vessel, fails to comply with the provisions of section 46 is guilty of an offence and liable on conviction to a fine of \$1,000.

Penalty for detention of postal articles on board vessel arriving in port

71. (1) Any person who, being either the master of a contract carrier or a vessel arriving at any port or place in Brunei Darussalam, or anyone on board, knowingly has in his possession or custody, after the postal articles or any of them have been sent to the post office at the port or place of arrival, any postal article within the exclusive privilege conferred on the Postmaster General by section 5, is guilty of an offence and liable on conviction to a fine of \$200 for every postal article.

(2) Any person who, being such master or other person, detains any such postal article after demand made for it by an officer of the Department, is guilty of an offence and liable on conviction to a fine of \$500 for every such postal article.

Penalty for detaining mails or opening mail bag

72. (1) Any person who, except under the authority of this Act or any other written law or in obedience to the order in writing of His Majesty the Sultan and Yang Di-Pertuan in Council, the Minister, the Postmaster General or the direction of a competent court —

(a) detains the mails or any postal article in course of transmission by post; or

(b) on any pretence opens a mail bag in course of transmission by post,

is guilty of an offence and liable on conviction to a fine of \$1,000.

(2) Nothing in this section shall prevent the detention of an officer of the Department carrying the mails or any postal article in course of transmission by post on a charge of having committed an offence punishable under the Penal Code (Chapter 22) or any other written law.

(3) Any mail bag may be detained and opened under the written authority of the Postmaster General.

Penalty for retaining mail bags not delivered or postal articles

73. Any person who —

(a) fraudulently retains;

(b) wilfully secretes;

(c) makes away with or keeps or detains; or

(d) when required by an officer of the Department, neglects or refuses to deliver up,

any postal article in course of transmission by post which ought to have been delivered to any other person, or a mail bag containing a postal article, is guilty of an offence and liable on conviction to a fine and imprisonment for 2 years.

Penalty for unlawfully diverting letters

74. (1) Any person who, not being an officer of the Department —

(a) wilfully and maliciously with intent to injure any person either opens or causes to be opened any letter which ought to have been delivered; or

(b) does any act whereby the due delivery of a letter to any person is prevented or impeded,

is guilty of an offence and liable on conviction to a fine of \$1,000 and imprisonment for 6 months.

(2) Nothing in this section shall apply to a person who does any act to which this section applies if he is a parent, or in the position of a parent or guardian, of the addressee and the addressee is a minor or ward.

Penalty for unlawfully disclosing contents of postal articles

75. Any person who reveals, discloses or in any way makes known the contents of any postal article opened under the authority of this Act, except so far as may be necessary for the purpose of returning the postal article or so far as may be authorised by the Postmaster General in writing, is guilty of an offence and liable on conviction to a fine and imprisonment for one year.

Penalty for taking fictitious stamps

76. (1) Any person who —

(a) makes or knowingly utters, deals in, hawks, distributes or sells any fictitious stamp or knowingly uses for postal purposes any fictitious stamp;

(b) has in his possession without lawful excuse any fictitious stamp;

(c) makes, or without lawful excuse has in his possession, any die, plate, instrument or materials for making any fictitious stamps; or

(d) makes, issues or sends by post any stamped or embossed envelope, wrapper, card, form or paper in imitation of one issued under the authority of the Postmaster General,

is guilty of an offence and liable on conviction to a fine and imprisonment for 2 years.

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

(3) A Court of a Magistrate shall be competent to declare a forfeiture under this section, and all things forfeited shall be dealt with as Court of a Magistrate or any other competent court directs and the proceeds (if any) thereof paid into the Consolidated Fund.

(4) Nothing in this section shall be held to exempt any person from any punishment to which he may be liable under any other written law.

Penalty for offences not specifically provided for

77. Every person who contravenes any provision of this Act or of any rule made thereunder except where otherwise provided by this Act is guilty of an offence and liable on conviction to a fine of \$500.

Penalty for abetting or attempting to commit offences under this Act

78. (1) Any person who abets the commission of any offence punishable under this Act or any rule made thereunder or attempts to commit any offence so punishable, is guilty of an offence and liable on conviction to the same punishment as is provided for the offence abetted or attempted, as the case may be.

(2) The provisions of section 107 (relating to the abetment of a thing), section 108 (relating to the abetment of an offence) and section 108A (relating to the abetment in Brunei Darussalam of an offence outside it) of the Penal Code (Chapter 22) apply *mutatis mutandis* in relation to an offence punishable under this Act or any rule made thereunder as if such an offence were an offence under the Penal Code (Chapter 22).

Property in cases of offences to be laid in Postmaster General

79. In every prosecution for an offence in respect of a mail bag or postal article sent by post, it shall be sufficient, for the purpose of the charge, to describe the mail bag or postal article as being the property of the Postmaster General, and it shall not be necessary to prove that the mail bag or postal article was of any value.

Officer of Department how to be described

80. In any proceedings against any person employed by or under the Department, it shall be sufficient to allege that such person was employed by order of the Department without stating further the nature or particulars of his employment.

Rewards to informers

81. A share not exceeding one moiety of every fine imposed and levied under this Act may be awarded to the Postmaster General on his request for the purpose of being paid to the informer.

Trial of offences and authority for prosecutions under certain sections

82. (1) Notwithstanding the provisions of any written law to the contrary, a Court of a Magistrate shall have jurisdiction to try any offence under this Act and shall have power to impose any penalty or combination of penalties provided for an offence under this Act.

(2) No court shall take cognisance of an offence punishable under any of the provisions of section 55, 56, 58, 59(a) or (b), 60, 61, 63, 64, 65, 68, 69, 70, 71, 72, 73, 75, 76, 77 or 95(3) except in proceedings brought upon complaint made by or by order of the Postmaster General, or in proceedings brought with the written sanction of the Attorney General.

Power of Postmaster General to compound certain offences

83. Whenever any person shall admit that he is guilty of an offence against this Act or any rule made thereunder, the punishment of which is a fine not exceeding \$500, it shall be lawful for the Postmaster General to accept payment on behalf of the Government from the offender of such sum of money as may to the Postmaster General seem fit, not exceeding the highest amount of fine to which the offender would have been liable on conviction and no person having made such payment shall be thereafter prosecuted for the same offence.

Powers to arrest and search in respect of seizable offences

84. (1) The Postmaster General or any officer of the Department not below the rank of Controller deputed by him in writing to act under this section may arrest without warrant —

(a) any person found committing or attempting to commit or employing or aiding any person to commit a seizable offence against the provisions of this Act;

(b) any person against whom a reasonable suspicion exists that he has been guilty of a seizable offence against the provisions of this Act,

and may search any person so arrested, provided that no female shall be searched except by a female.

(2) Every person so arrested shall, together with any article as to which an offence may have been committed or attempted to be committed, be taken to a police station.

(3) If any person liable to arrest under this Act is not arrested at the time of committing the offence for which he is so liable, or after arrest makes his escape, he may at any time afterwards be arrested and be dealt with as if he had been arrested at the time of committing such offence.

(4) In this section, “seizable offence” has the meaning assigned to it by section 2(1) of the Criminal Procedure Code (Chapter 7).

Powers to search and arrest in respect of offences against sections 5 and 6

85. (1) Whenever it appears to the Postmaster General or any person whom he may depute to act for him under this section or when reasonable grounds for suspicion exist that an offence against section 5 or 6 is being committed or is about to be committed or attempted or whenever it appears that there is probable cause to believe that articles are concealed or deposited or contained in or on any conveyance, dwelling-house, shop or other building or place in contravention of section 5 or 6, the Postmaster General or such person may, if he has good grounds for believing that by reason of the delay in obtaining a search warrant such articles are likely to be removed —

(a) stop and examine such conveyance or enter such dwelling-house, shop or other building or place and there search for and take possession of any such articles reasonably suspected of contravening the provisions of section 5 or 6 and of any books or documents which may reasonably have been believed to have a bearing on the case; or

(b) arrest any person or persons being in such conveyance, dwelling-house, shop or other building or place in whose possession such articles as aforesaid may be found or whom such officer may reasonably suspect to have concealed or deposited such articles and may search any person so arrested provided that no female shall be searched except by a female. Every person so arrested shall together with any article as to which an offence may have been committed or attempted to be committed, be taken to a police station.

(2) Any person who shall refuse the Postmaster-General, or any person whom he may depute, access under the provisions of this section to any place or conveyance is guilty of an offence under this Act.

Power to prosecute

86. Prosecutions in respect of offences committed under this Act may, subject to the provisions of the Criminal Procedure Code (Chapter 7), be conducted by the Postmaster General or by any officer of the Department specially authorised thereto in writing by the Postmaster General.

Prohibition of false notice as to reception of letters

87. Any person who, without authority from the Postmaster General, places or maintains in or on any house, wall, door, window, box, post, pillar, or other place, belonging to him or under his control, any of the following words, letters or marks —

(a) the words “post office” or “Postal officer”; 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 any house or place is a post office, or that any box is a letter box within the meaning of this Act,

is guilty of an offence and liable on conviction to a fine of \$200, and, if the offence is continued after a previous conviction, a fine of \$50 for every day during which the offence so continues.

Obstruction of officers of Department

88. (1) Any person who wilfully —

(a) obstructs, or incites anyone to obstruct, an officer of the Department in the execution of his duty, or

(b) while in any post office, or within any premises belonging to any post office or used therewith, obstructs the course of business of the Department,

is guilty of an offence and liable on conviction to a fine of \$200.

(2) Any person who without the permission of the person in charge enters any part of a post office premises in contravention of any rule or notice not to do so is guilty of an offence and liable on conviction to a fine of \$200.

(3) Any officer of the Department may require any person guilty of any offence under this section, to leave a post office or any such premises as aforesaid, and if the person so required refuses or fails to comply with the requirement —

(a) he is guilty of a further offence and liable on conviction to a fine of \$500; and

(b) he may be removed by an officer of the Department, and all police officers are required on demand to remove or assist in removing such person.

PART 13

DUTIABLE GOODS IMPORTED OR EXPORTED BY POST

Application of customs laws

89. (1) In this Part, the expressions “customs duty”, “customs laws”, “dutiable goods” and “proper office of customs” have the same meanings as are assigned to them in the Customs Order, 2006 (S 39/2006).

(2) The provisions of any customs laws for the time being in force concerning —

(a) prohibition of imports;

(b) levy or customs duty;

(c) search, seizure and arrest;

(d) trials and proceedings; and

(e) offences and penalties,

apply, so far as the provisions can be made applicable and are not inconsistent with the provisions of this Part, to the importation and exportation of goods, and to goods imported or exported by post.

Examination of postal articles imported

90. All postal articles received from outside Brunei Darussalam may be examined while in the custody of the Department by any proper officer of customs, and may be opened by an officer of the Department in the presence of any proper officer of customs for the purpose of such examination.

Examination of postal articles exported

91. (1) Any person intending to send out of Brunei Darussalam any postal article containing dutiable goods shall submit such article for examination to a proper officer of customs and shall pay the duty thereon before presenting such article at any post office.

(2) An officer of the Department may refuse to accept for despatch any postal article containing dutiable goods until the receipt for the payment of the export duty on such goods is produced.

(3) Any postal article addressed to a place outside Brunei Darussalam may be examined while in the custody of the Department by a proper officer of customs, and may be opened by an officer of the Department in the presence of a proper officer of customs for the purpose of such examination.

Seizure and forfeiture of postal articles containing undeclared dutiable goods

92. Any postal article found upon examination to contain dutiable goods, the postal article not having affixed thereto a true declaration of such goods, shall be liable to seizure by a proper officer of customs and to forfeiture by order of the Controller of Customs.

Payment of duty

93. (1) When any postal article received from outside Brunei Darussalam is declared or is found upon examination to contain dutiable goods, the duty upon such goods, together with such clearance fee as may be prescribed by rule made by the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, in respect of each article shall, subject to section 12, be deemed to be a debt due to the Postmaster General.

(2) For the recovery of such debt, the Postmaster General may exercise all the powers conferred upon him by Part IV for the recovery of postage due.

Presumption as to importer

94. The addressee of any postal article containing dutiable goods shall be presumed until the contrary is proved to have imported the postal article.

PART 14

GENERAL

Uniform and equipment

95. (1) The Postmaster General may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, prescribe a uniform dress to be worn by employees of the Department.

(2) Where an officer of the Department vacates his office (whether by reason of dismissal, resignation, death or otherwise) he, or if he is dead his personal representative or the person acting as his personal representative, shall deliver to the Postmaster General, or any officer of the Department authorised in that behalf by the Postmaster General, all articles (whether uniform, equipment, furniture or any other things whatsoever) which have been issued to the officer vacating his office for the execution of his duty and are not the property of that officer, and shall deliver the articles in good order and condition, fair wear and tear only excepted.

(3) If any person fails to comply with the provisions of subsection (2), he is guilty of an offence and liable on conviction to a fine of \$200, and he shall also be liable to pay such further sum not exceeding \$500 as the court may determine to be the value of the articles not delivered, or, if

the articles have been delivered but not in good order and condition, of the damage done to the articles.

(4) Any Magistrate may issue a warrant by virtue of which a police officer may search for and seize any articles not delivered as required by subsection (2), in the same manner as if they were stolen property and the warrant were a warrant to search for stolen property issued under section 61 of the Criminal Procedure Code (Chapter 7).

Power to give effect to international arrangements

96. (1) In this section —

“arrangement” includes an arrangement which provides for the modification of another arrangement;

“international arrangement” means any arrangement which has been made, either before or after the commencement date, by or on behalf of the Government with the government of any other country or by the Postmaster General with any other postal administration and which, in the opinion of the Minister, relates to postal services;

“postal services” means any postal or other service or facility for the time being provided by or intended to be provided by the Department or any other postal administration, and includes any matter incidental to or connected with any such postal or other service or facility.

(2) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, by rule make, in relation to Brunei Darussalam, such provision as appears to the Minister to be requisite for enabling Brunei Darussalam to implement any international arrangement.

(3) Without prejudice to the generality of subsection (2), rules under that subsection may in particular include provision —

(a) for amending this Act and any other written law to the extent requisite as aforesaid;

(b) with respect to the application of the rules to the Government and the extraterritorial operation of any provision made by or under the rules;

(c) for imposing penalties in respect of any contravention of any provision made by or under the rules; and

(d) for applying any written law so as to have effect, as so applied, subject to such modifications as may be specified in the rules.

General power to make rules

97. (1) In addition to the powers conferred under this Act, the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules to carry out any of the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of subsection (1), such rules may provide for the imposition and payment of such fees and charges as the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may deem expedient.

Passing of property and liabilities on appointment of Postmaster General

98. Upon and by virtue of the appointment of any person to be Postmaster General, all property and the benefit and burden, in so far as they still subsist and are capable of being transferred, of all contracts, bonds, securities and things in action, vested in his predecessor or any of his predecessors in his or their official capacity at the time of the predecessor ceasing to hold office, shall be transferred to and vested in, and enure for the benefit and burden of the person so appointed in his official capacity.

Exemption of Postmaster General from stamp duty

99. Every deed, instrument, money order, bill, cheque, receipt or other document, made or executed for the purpose of the Department by, to or with, any officer of the Department, shall be exempt from any stamp duty imposed by any law, except where that duty is declared by the document, or by some memorandum endorsed thereon, to be payable by some person other than the Postmaster General, and except so far as any future law specifically charges the duty.