

(L.S.)

F. M. BADDELEY,
Officer Administering the Government.

6th December, 1928.

No. 31.

1928.



Colony and Protectorate of Nigeria.

IN THE NINETEENTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.

SIR FRANK BADDELEY, Kt., C.M.G.
Officer Administering the Government.

AN ORDINANCE TO REGULATE THE POWERS AND DUTIES OF THE POSTS AND TELEGRAPHS DEPARTMENT. Title.

[6th December, 1928.]

Date of commencement.

BE IT ENACTED by the Governor of the Colony and Protectorate of Nigeria, with the advice and consent of the Legislative Council so far as the provisions hereof relate to the Colony and to the Southern Provinces of the Protectorate, as follows:— Enactment.

Preliminary.

Short title
and applica-
tion.

1. This Ordinance may be cited as the Post Office Ordinance, 1928, and shall apply to the Colony and Protectorate (including the British Cameroons).

PART I.

Interpretation.

Definitions.

2. Definitions:—

“ Contract vessel ” means any vessel for the conveyance of mails pursuant to contract or continuing arrangement.

“ Fictitious postage stamp ” means any facsimile or imitation or representation whether on paper or otherwise of any stamp or stamped impression for denoting any rate of postage including any stamp or stamped impression for denoting a rate of postage of any part of His Majesty's Dominions or of any foreign country.

“ His Majesty's Dominions ” means any of His Majesty's dominions or colonies and includes any territory under his protection or in respect of which he has accepted a mandate from the League of Nations.

“ Letter ” includes postcard.

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

“ Master of a vessel ” means any person in charge of a vessel, excepting a sea pilot.

“ Officer of the Posts and Telegraphs Department ” includes any person employed in any business of the Posts and Telegraphs Department or on behalf of the said Department.

“ Port ” means any place declared to be a port under the Customs Ordinance.

“ Post Office ” includes every house, building, room, vessel, carriage or place used for the purpose of the Posts and Telegraphs Department and every letter box provided by the Posts and Telegraphs Department for the receipt of postal articles.

“ Postage ” means the duty chargeable for the transmission by post of postal articles.

“ Postal article ” includes any letter, postcard, newspaper, book, document, pamphlet, pattern or sample packet, parcel or package or other article whatsoever transmissible by post.

“ Postage stamp ” means any label, stamp or stamped impression for denoting any rate of postage payable in respect of postal articles 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 Ordinance, or by the Imperial Postmaster-General or by the Government of any of His Majesty's dominions or of any foreign country.

“ Vessel ” means any ship or other vessel including aeroplane or airship.

3. For the purpose of this Ordinance—

(a) a postal article shall be deemed to be in course of transmission by post from the time of its being posted at or delivered to a post office to the time of its being delivered to, or taken delivery of by, the addressee or its being returned to the sender or otherwise disposed of under the provisions of this Ordinance;

(b) a postal article shall be deemed to cease to be such from the time of its being delivered to, or taken delivery of by, the addressee or of its being returned and delivered to the sender or otherwise disposed of under the provisions of this Ordinance;

(c) the placing of an article in any receiving box for the deposit of postal articles, or the delivery of an article to an officer of the Posts and Telegraphs Department in the course of his duties shall be deemed to be delivery to a post office;

(d) the delivery of a postal article at the house or office 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 an hotel

Meaning of
“in course
“of transmis-
“sion” and
“delivery.”

delivery to the proprietor or manager thereof or to his agent, shall be deemed to be delivery to the addressee.

PART II.

Establishment.

Post offices. **4.** (1) All post offices heretofore established in Nigeria shall be deemed to be established under this Ordinance.

(2) The Postmaster-General may establish post offices at such places as he thinks fit and discontinue any post office.

Establishment of postal communication. **5.** The Postmaster-General may establish postal communication between places in Nigeria and between Nigeria and other countries.

Receiving boxes. **6.** The Postmaster-General may provide receiving boxes for the deposit of postal articles and shall cause the boxes to be cleared as often as public convenience reasonably requires.

Appointment and powers of postal officers. **7.** (1) The Governor may appoint for the postal services of Nigeria such officers under such official designations as he deems expedient.

(2) The Postmaster-General and all other officers of the Posts and Telegraphs Department shall have all the powers and privileges hereby conferred upon the holders of their respective offices.

PART III.

Privilege and Protection of Government.

Exclusive privilege of the Postmaster-General. **8.** (1) The Postmaster-General, by himself or by the officers of the Posts and Telegraphs Department, shall have the exclusive privilege of conveying all letters from one place to another between which postal communication shall be established under this Ordinance, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters from any one place to another, between which such postal communication shall be established.

(2) The exclusive privilege by the preceding sub-section conferred shall not extend to:—

- (a) Letters sent by a private friend, without hire or reward, on his way, journey or travel, so as such letters be delivered to the party to whom they shall be directed; Exceptions.
- (b) Letters sent by a messenger on purpose concerning the private affairs or business of the sender or receiver thereof;
- (c) Commissions or returns thereof and affidavits and writs, process or proceedings, or returns thereof, issuing out of a court of justice;
- (d) Letters of merchants, owners of vessels of merchandise or the cargo or loading therein, sent by such vessels of merchandise, or by any person employed by such owners for the carriage of such letters according to their respective directions and delivered to the respective persons to whom they shall be directed, without paying or receiving hire or reward, advantage or profit for the same in any wise;
- (e) Letters concerning goods or merchandise sent by common known carriers, to be delivered with the goods which such letters concern without hire or reward, or other profit or advantage for receiving or delivering such letters;

but nothing herein contained shall authorise any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorised.

(3) The following persons are expressly forbidden to carry a letter or to receive or collect or deliver a letter although they shall not receive hire or reward for the same:— Special prohibition.

- (i) Common carriers, except a letter concerning goods which they are conveying.
- (ii) Officers of the Posts and Telegraphs Department, except in discharge of their duties.
- (iii) Owners, masters or commanders of vessels sailing or passing coastwise or otherwise between ports or places in Nigeria, except in respect of letters concerning

goods on board or letters belonging to the owners of such vessels, or letters carried for the Posts and Telegraphs Department.

- (iv) Passengers, members of the crew or other persons on board any such vessel as is mentioned in paragraph (iii) hereof.
- (v) The owners of, or members of the crew or others on board a vessel passing or repassing on a river, lagoon or navigable canal in Nigeria, except with respect to places in Nigeria with which postal communication has not been established, or with respect to letters carried for the Posts and Telegraphs Department.

(4) If any person not authorised by or in pursuance of this Ordinance does any of the following things, namely, sends or causes to be sent, or tenders or delivers in order to be sent, or conveys, or performs any service incidental to conveying, otherwise than by post, any letter not excepted from the exclusive privilege of the Postmaster-General, or makes a collection of those excepted letters for the purpose of conveying or sending them either by post or otherwise, he shall be liable to a fine of fifty pounds.

Restriction on conveyance of letters except by post.

9. No letters, unless exempt by law, shall be conveyed into or out of Nigeria from or to any place between which and Nigeria postal communications are established, or be delivered or be distributed in Nigeria otherwise than by or through the post.

Penalty: a fine of fifty pounds.

Exemption from liability for loss, misdelivery, delay or damage.

10. (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 Posts and Telegraphs Department shall incur any liability by reason of any such loss, misdelivery, delay or damage, unless that person has knowingly caused the same fraudulently or maliciously or by his wilful act or default.

PART IV.

Postage, Postage Stamps and Franking of Correspondence.

Power to fix rates of postage.

11. The Governor may determine the rates to be charged for the transmission, registration and insurance of the different descriptions of postal articles by the Posts and Telegraphs Department.

12. The Governor may cause to be provided stamps, stamped envelopes, stamped wrappers, and envelopes for registered postal matter and postal cards of all kinds, and the Posts and Telegraphs Department shall have the exclusive privilege of issuing the same :

Issue of stamped envelopes, etc. by Posts and Telegraphs Department.

Provided that the Postmaster-General may appoint persons to retail the same under such conditions, as regards remuneration and otherwise, as may be prescribed.

Vendors of stamps, etc.

Any person so appointed who shall sell any such stamp, envelope, wrapper or postal card at a price other than that fixed by the Postmaster-General shall be guilty of an offence.

Penalty : a fine of twenty-five pounds.

13. No postage shall be payable for the transmission within Nigeria by the Posts and Telegraphs Department of any postal articles sent by any Government department in connexion with the business of such department : provided that any postal article sent by a Government department shall be liable to postage unless franked by an officer authorised to frank postal articles.

Franking of Government correspondence.

14. Except where special arrangements for payment are made, all postage imposed under this Ordinance shall be paid by means of stamps, which shall be affixed before posting to all postal articles liable to such postage to the amount of the rates of postage payable thereon.

Payment of postage.

15. If any postal article shall be underpaid with stamps, or shall not have any stamps thereon, the same shall be liable to double the unpaid or underpaid postage as the case may be, and such double postage shall be paid by the person to whom such postal article may be addressed on the delivery of the same to him or to any other person on his behalf, unless he or such person shall refuse to receive the same, in which case such double postage may be recovered from the person sending such postal article, if he is in Nigeria.

Surcharge for insufficiently stamped articles.

16. When any article is delivered to the Posts and Telegraphs 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 Posts and Telegraphs Department by mistake, the Postmaster-General may cause such article to be opened in the presence of an officer of the Posts and Telegraphs

Articles posted by mistake.

Department and may return the same without charge to the person interested, unless such article contains 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.

Recovery of postage due.

17. All postage imposed by or under this Ordinance may be sued for and recovered with full costs of suit before any magistrate on the complaint of any officer of the Posts and Telegraphs Department in charge of a post office.

Post office mark *prima facie* evidence.

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

- (a) the production of a postal article having thereon the official mark of the Posts and Telegraphs Department denoting that the article has been refused or unclaimed, 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 the postal article purports to have come shall, until the contrary is proved, be deemed to be the sender thereof.

Evidence of amount of postage.

19. The official mark on a postal article denoting that any postage or other sum is due in respect thereof to the Posts and Telegraphs Department of Nigeria or to the Postal Department of any of His Majesty's dominions or of any foreign country shall be *prima facie* evidence that the sum denoted as aforesaid is due.

PART V.

Conditions of Transmission of Postal Articles.

Power to detain and open mail bags.

20. Any mail bag may be detained or opened under the written authority of the Postmaster-General.

Opening and return of postal articles.

21. (1) After any postal article has been delivered to the post office no person employed by or under the Posts and Telegraphs Department shall, except as otherwise prescribed, open or return the same to any person or procure or suffer the same to be opened or returned unless he is authorised to do so by express warrant in writing under the hand of the Governor.

Penalty: imprisonment for one year or a fine of one hundred pounds.

(2) The Governor may, in the interests of justice or in any individual circumstance which appears to him to warrant such a course, grant such warrants for opening or returning any specified postal articles.

22. (1) On the occurrence of any public emergency or in the interest of public safety or tranquility, the Governor may, by order in writing, direct that any postal article or class or description of postal articles shall be intercepted or detained, or shall be delivered to any officer of the Government mentioned in the order to be disposed of in such manner as the Governor directs.

Interception of postal articles in emergencies.

(2) If any doubt arises as to the existence of a public emergency or as to whether any act done under the last preceding sub-section was in the interest of public safety or tranquility a certificate signed by the Chief Secretary to the Government shall be conclusive proof on the point.

23. Any postmaster or officer in charge of a post office may detain any postal article which has been posted contrary to the provisions of this Ordinance, and deal with the same in such manner as may be prescribed.

Power to deal with postal articles improperly posted.

24. (1) It shall be lawful for any officer of the Posts and Telegraphs Department not below the rank of assistant surveyor, if he suspects that any postal article is calculated or likely to cause the addressee or any other person to be deluded or defrauded or contains false pretences made with a view to obtain money from the addressee, to detain such postal article and to submit it to the Postmaster-General or to such other officer of the Posts and Telegraphs Department not below the rank of surveyor as the Postmaster-General may in writing appoint for the purpose; and the Postmaster-General or other officer so appointed may thereupon open the said postal article for the purposes of inspection.

Inspection of postal articles suspected to be of a fraudulent nature.

(2) If upon such inspection it appears to the Postmaster-General or other officer so appointed as aforesaid that the postal article consists wholly or partly of matter calculated or likely to cause the addressee, or any other person to be deluded or defrauded or contains false pretences made with a view to obtain money from

Disposal of postal articles found to be of a fraudulent nature.

the addressee, he may destroy all or any part of such postal article or otherwise dispose of the same in such manner as to him in his absolute discretion may seem expedient.

Inspection of postal articles suspected to contain applications, etc., for advertisements of a fraudulent nature.

(3) It shall be lawful for any officer of the Posts and Telegraphs Department not below the rank of assistant surveyor, if he suspects that any postal article consists of or contains any application for, or reply to, any advertisement, which, if sent through the post office, would be liable to be dealt with under sub-sections (1) and (2), or if he suspects that any postal article consists of or contains any reply to any such application, to detain such postal article and to submit it to the Postmaster-General or to such other officer of the Posts and Telegraphs Department not below the rank of surveyor as the Postmaster-General may in writing appoint for the purpose; and the Postmaster-General or other officer so appointed may thereupon open the said postal article for the purposes of inspection.

Disposal of postal article found to contain applications, etc., for advertisements of a fraudulent nature.

(4) If upon such inspection it appears to the Postmaster-General or other officer so appointed as aforesaid that the postal article consists wholly or partly of an application for, or a reply to, an advertisement, which, if sent through the post office, would be liable to be dealt with under sub-sections (1) and (2), or of a reply to any such application, he may destroy all or any part of such postal article or otherwise dispose of the same in such manner as to him in his absolute discretion may seem expedient.

Return of remittances.

Provided always that any money order, postal order, or other remittance comprised therein shall be returned to the sender thereof unless such sender shall be the person who issued such advertisement, in which case such money order, postal order, or other remittance shall be forwarded to the addressee.

Power to deal with postal articles containing goods in respect of which an offence is being committed.

25. (1) If the Postmaster-General has reason to believe that any postal article contains goods in respect of which an offence is being committed or is being attempted to be committed, or if he is requested to do so by a police officer not below the rank of assistant commissioner, 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 the person, if any, who made the request, or of 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 Posts and Telegraphs Department, deputed for the purpose by the Postmaster-General and of any other person named or referred to in the notice who attends.

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

(3) In all cases a postal article, after being opened under this section, shall be delivered to the addressee unless it is required for the purpose of any further proceedings under this or any other Ordinance for the time being in force.

26. (1) The Postmaster-General may detain and withhold from delivery, any postal article bearing or containing any fictitious postage stamp, or purporting to be prepaid with any postage stamp which has been previously used to prepay the postage on any other postal article or for the payment of any revenue, duty or tax.

Detention of postal articles with fictitious stamp.

(2) Any postal article detained under this section shall be dealt with as the Postmaster-General shall in such case direct, but shall not be delivered to the addressee without a direction to that effect, nor until such addressee shall have given such information with regard to the name and address of the sender, and such other particulars as the Postmaster-General shall require.

27. The Governor in Council may make regulations prescribing the conditions under which compensation shall be payable for the loss or damage to postal articles.

Power to make regulations as to liability for compensation.

PART VI.

Vessels.

28. Every master of a vessel arriving at any port or place in Nigeria shall without delay cause every postal article or mail bag on board which is within the exclusive privilege conferred on the Postmaster-General by section 8 to be delivered to the post office or to such officer of the Posts and Telegraphs Department as is authorised to receive the same, and shall make the declaration contained in the schedule before an officer of the Posts and Telegraphs Department.

Delivery of mails.

Penalty for non-compliance: a fine of fifty pounds.

29. Every master, owner, or agent of a vessel proposing to despatch such vessel from any port or place of Nigeria to any other port or place within or without Nigeria shall give reasonable notice in writing to the officer in charge of the post office at the port or place of departure of the day and hour of the intended departure of

Notice to post office of departure of vessels.

such vessel, and also of the ports or places at which such vessel is to call, and shall give immediate notice in writing to such officer 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 vessel.

Penalty for non-compliance: a fine of fifty pounds.

Carriage of mails by non-contract vessels.

30. Every master of a vessel, not being a contract vessel, about to depart from one port or place in Nigeria to any port or place within or any port or place beyond the limits of Nigeria shall receive on board any mail bag tendered to him by any officer of the Posts and Telegraphs Department for conveyance, granting a receipt therefor in such form as the Postmaster-General prescribes, and shall without delay deliver the same at the port or place of destination.

Penalty for non-compliance: a fine of fifty pounds.

Reception of postal article on board by officer of the Posts and Telegraphs Department or by master of ship.

31. (1) Any officer of the Posts and Telegraphs Department, duly authorised by the Postmaster-General, may attend on board any vessel after the time for closing the mail by such vessel and receive, subject to the other provisions of this Ordinance, all postal articles fully prepaid by postage stamps provided under section 12, which may be brought on board up to the time of departure, to be transmitted by such vessel, and any such officer, whilst so attending, may sell postage stamps and perform such services as the public may require in connexion with such duties.

(2) The master of every such vessel shall give all proper facilities to such officer of the Posts and Telegraphs Department to enable him to discharge his duties and to leave the vessel before her departure.

Penalty for non-compliance: a fine of five pounds.

(3) If there be no officer of the Posts and Telegraphs Department on board such vessel, the master may receive all such postal articles, provided they are fully prepaid by postage stamps provided under section 12, and shall deliver the same at the post office at the port or place of their destination.

Rates of gratuity.

32. (1) The Governor may determine the rates of gratuities to be paid to the masters, owners or agents of vessels, not being Government or contract vessels, 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) for a second or subsequent transmission of any mail bags or postal articles when such second or subsequent transmission is in the same vessel as the first transmission or in a vessel having the same owner or agent as the vessel of first transmission;
- (b) for the transmission of any mail bags or postal articles to be delivered to an officer of the Posts and Telegraphs Department in Nigeria for onward transmission by a contract vessel when such first transmission is in the same vessel as the intended onward transmission or in a vessel having the same owner or agent as the vessel of intended onward transmission;
- (c) unless application be made for payment within twelve months of the date of despatch of such postal articles;
- (d) if there has been unreasonable delay on the part of the master in delivering any mail bag or postal article at the post office of destination; or
- (e) if any mail bag or postal article has 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 to lack of sufficient care on his part.

(4) If the master of any vessel satisfies the Postmaster-General that he will not return to Nigeria within the twelve months prescribed by sub-section (3) (c), the Postmaster-General may pay the gratuities in advance.

33. Any master of a vessel who unlawfully—

- (a) opens or suffers to be opened a sealed mail bag with which he is entrusted for conveyance; or
- (b) takes out or suffers to be taken out of a mail bag with which he is entrusted for conveyance any postal articles,

Penalty on
master of
vessel open-
ing mail bag.

shall be guilty of an offence and liable to imprisonment for six months or to a fine of two hundred pounds or to both.

PART VII.

Contracts for Carriage of Mails.

Contracts
for carriage
of mails.

34. The Postmaster-General, with the sanction of the Governor, may enter into such contracts as may be necessary for the conveyance of mail bags and postal articles.

Penalty on
opening of
mail bag by
person con-
veying same.

35. Any person under contract for the conveyance of mail bags or postal articles and any person employed by any such person who unlawfully—

(a) opens or suffers to be opened a sealed mail bag with which he is entrusted for conveyance; or

(b) takes out or suffers to be taken out of a mail bag with which he is entrusted for conveyance any postal article,

shall be guilty of an offence and liable to imprisonment for six months or to a fine of two hundred pounds or to both.

PART VIII.

Post Office Guide.

Post Office
Guide.

36. The Postmaster-General may, with the approval of the Governor, issue, and from time to time issue a revised edition of, a Post Office Guide containing all or any of the following:—

(a) A declaration of the adoption of the regulations agreed upon by the Universal Postal Union for or respecting or in relation to the transmission of postal matter and that the same or any part or modification thereof shall be in force within Nigeria.

(b) Rules for the guidance and control of the public dealing with the Posts and Telegraphs Department.

(c) A statement of the rates of postage fixed by the Governor under section 11.

(d) A declaration of what articles may, and what articles may not, be transmitted as postal articles.

(e) A classification of postal articles for the purposes of postal charges.

- (f) The conditions for the registration and insurance of postal articles, and a declaration of the cases in which registration and insurance may be compulsory.
- (g) Any regulations made by the Governor in Council under section 27.
- (h) Conditions for the issue and payment of money orders and postal orders including the rates of commission thereon.
- (i) Rules for the disposal of undeliverable postal articles.
- (j) The conditions under which and the manner in which special services will be performed for the convenience of individuals.
- (k) Rules for the guidance, conduct and discipline of officers and servants of the Posts and Telegraphs Department and the performance of their several duties.
- (l) A statement of the hours during which post offices shall be open for the transaction of various classes of public business.
- (m) A statement of the hours for the posting of postal articles and the late fee charges for postal articles.
- (n) A list of the officers who may frank postal articles sent by a public department.
- (o) Rules regulating the business of the Posts and Telegraphs Department.
- (p) A statement of the manner in which amendments of the Guide will be published; and
- (q) Such other information as the Postmaster-General may think fit to include.

PART IX

Repeal.

37. The Post Office Ordinance and the Post Office (Fraudulent Uses) Ordinance are hereby repealed.

Repeal of
Chapters
41 and 42.

SCHEDULE.

SECTION 28.

I do solemnly declare that I have to the best of my knowledge and belief caused to be delivered to the proper officer of the Posts and Telegraphs Department at _____ every postal article and mail bag that were on board the vessel under my command except

DECLARED at _____ the _____ day of _____, 19 _____.

.....
Commander.

(Before me.)

Officer of the Posts and Telegraphs Department.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and in so far as the provisions thereof relate to the Colony and to the Southern Provinces of the Protectorate, is found by me to be a true and correctly printed copy of the said Bill.

H. E. PRIESTMAN,

Clerk of the Legislative Council.

Assented to in His Majesty's name in so far as the provisions hereof relate to the Colony and to the Southern Provinces of the Protectorate, and enacted by me in so far as the provisions hereof relate to the Northern Provinces of the Protectorate, this 6th day of December, 1928.

F. M. BADDELEY,

Officer Administering the Government.