

GUERNSEY STATUTORY INSTRUMENT

2010 No. 56

**The Post Office (Postal Packets)
(Amendment) Regulations, 2010**

<i>Made</i>	<i>21st June, 2010</i>
<i>Coming into operation</i>	<i>28th July, 2010</i>
<i>Laid before the States</i>	<i>30th June, 2010</i>

THE HOME DEPARTMENT, in exercise of the powers conferred on it by section 37 of the Post Office (Bailiwick of Guernsey) Law, 2001, as amended^a and all other powers enabling it in that behalf, hereby make the following Regulations:-

Amendment of 1973 Ordinance.

1. The Post Office (Postal Packets) Ordinance, 1973, as amended^b, is further amended as follows.

2. In section 1 for "Section twenty four of the Post Office (Guernsey) Law, 1969" substitute "Section 37 of the Post Office (Bailiwick of Guernsey) Law, 2001".

3. In section 2 for "section twenty four of the Law" substitute "section 37 of the Law".

^a Order in Council No. XV of 2001; amended by Ordinance No. XXXIV of 2001; Order in Council No. XXX of 2003; Ordinance No. XXXIII of 2003; and the Post Office (Bailiwick of Guernsey) (Amendment) Ordinance, 2010.

^b Recueil d'Ordonnances Tome XIX, p. 62; Tome XX, p. 217; and Tome XXII, p. 427.

4. In section 3 -

- (a) the existing text is numbered as subsection (1),
- (b) in subsection (1), as so numbered, for "section twenty four of the Law" substitute "section 37 of the Law", and
- (c) after subsection (1), as so numbered, insert the following subsections -

"(2) For the purposes of sections 37 and 38 of the Law, and in the application of the enactments for the time being in force in relation to taxes, duties and impôts to postal packets to which section 37 of the Law applies and to goods contained in them, cash is deemed to constitute goods.

(3) For the purposes of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, and in the application of that Law to postal packets to which section 37 of the Law applies and to goods contained in them, and for the avoidance of doubt, any matter in relation to which the Chief Revenue Officer is required or authorised to carry out any functions under or by virtue of the provisions of this Ordinance constitutes an assigned matter."

5. After section 5(1)(d) insert the following paragraph -

"(e) postal packets brought by post into the Bailiwick containing cash, where the value of the cash exceeds £50."

6. After section 5(5) insert the following subsection -

"(6) Every packet referred to in paragraph (e) of subsection (1) shall have attached to it or enclosed within it a full and correct customs declaration of the kind described in subsection (2).".

7. After section 6(1)(d) insert the following paragraph -

"(e) postal packets posted in the Bailiwick for transmission to any place outside it containing cash, where the value of the cash exceeds £50.".

8. After section 6(5) insert the following subsection -

"(6) Every packet referred to in paragraph (e) of subsection (1) shall have attached to it or, if the postal administration of the country of destination so requires or if the sender so prefers, enclosed within it a full and correct customs declaration of the kind described in subsection (2).".

9. In section 12 the word "dutiable" is repealed.

10. After section 12 insert the following sections -

"Offences as to declarations, etc.

12A. (1) A person who without reasonable excuse -

- (a) in contravention of any provision of section 5, 6 or 7 fails to affix, attach, enclose or accompany any declaration or label to or with any postal packet,
- (b) in purported compliance with any provision of section 5, 6 or 7 affixes, attaches, encloses or

accompanies any declaration or label to or with any postal packet which is false, deceptive or misleading in any respect,

is guilty of an offence and liable -

- (i) on summary conviction, to a fine not exceeding twice level 5 on the uniform scale or three times the value of the goods contained in the packet to which the conviction relates, whichever is the greater, or to imprisonment for a term not exceeding three months, or to both,
- (ii) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both.

(2) This section is without prejudice to -

- (a) the provisions of section 12, and
- (b) the application of, and any offence arising under, any provision of the enactments for the time being in force in relation to taxes, duties and impôts pursuant to section 37 of the Law.

Specific application of certain provisions of Customs and Excise Law.

12B. (1) Section 55 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 applies in relation to a person who has committed, or whom there are reasonable grounds to suspect of having committed, an offence under this Ordinance as it applies in relation to a person who has committed, or whom there are reasonable grounds to suspect of having committed, an offence under the customs and excise Laws.

(2) Postal packets and mailbags and the contents thereof liable to forfeiture under section 12 shall be deemed to be things liable to forfeiture under the customs and excise Laws for the purposes of section 56 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, and the provisions of that Law shall apply accordingly

(3) Sections 61 to 65 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 apply in relation to offences, penalties and proceedings for offences under this Ordinance as they apply in relation to offences, penalties and proceedings for offences under the customs and excise Laws.

Restrictions on disclosure of information.

12C. (1) Subject to the provisions of section 12D, no person who

- (a) under or for the purposes of this Ordinance receives any document or information relating to the business or other affairs of any person, or
- (b) obtains any such document or information directly or indirectly from a person who has so received it,

shall disclose the document or information without the consent of the person to whom it relates and (if different) the person from whom it was so received or obtained.

(2) A person who discloses or causes or permits the disclosure of any document or information in contravention of this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the uniform scale, or to imprisonment for a term not exceeding 3 months, or to both.

(3) For the avoidance of doubt, any document or information received or obtained by the Chief Revenue Officer or any officer of the States Post Office Board under or for the purposes of this Ordinance may be retained by them for such period as they consider necessary or expedient having regard to the provisions of section 12D.

Information sharing.

12D. Section 12C does not preclude the disclosure of any document or information -

- (a) to the extent necessary to enable the Chief Revenue Officer or any officer of the States Post Office Board to perform his functions,
- (b) to the extent that its disclosure is expressly authorised or required by or under any enactment relating to the functions of the Chief Revenue Officer or any officer of the States Post Office Board,

- (c) for the purposes of any proceedings in connection with this Ordinance or any enactment in relation to taxes, duties and impôts,
- (d) for the purposes of the investigation, prevention or detection of crime or with a view to the investigation of, or otherwise for the purposes of, any criminal proceedings,
- (e) for the purposes of any investigation or proceedings under the Forfeiture of Money in Civil Proceedings (Bailiwick of Guernsey) Law, 2007,
- (f) where the Chief Revenue Officer or any officer of the States Post Office Board has grounds to suspect that it relates to any illegal activity, in which case the document or information may be shared with the competent authority of another country or territory, provided that the competent authority agrees to provide the Chief Revenue Officer with corresponding documents or information on a reciprocal basis,
- (g) to comply with an order of a court,
- (h) to an officer or servant of the States for the purposes of enabling him to carry out his functions, or
- (i) to an officer or servant of the Guernsey Financial Services Commission for the purposes of enabling him to carry out his functions,

and the expression "**competent authority**" means any person or body, or any class or description of person or body -

- (i) prescribed for the purposes of this section by regulations of the Home Department under this section, or
- (ii) prescribed for the purposes of section 5 of the Cash Controls (Bailiwick of Guernsey) Law, 2007 by regulations of the Home Department under that section."

11. In section 15(1) -

- (a) after the definition of "the Board" insert the following definition -

"cash" has the meaning for the time being given by the Cash Controls (Bailiwick of Guernsey) Law, 2007,"

- (b) for the definition of the Chief Revenue Officer substitute -

"Chief Revenue Officer" means the Chief Officer of Customs and Excise and includes any officer of Customs and Excise acting by or under his authority,"

- (c) after the definition of "letter packet" insert the following definition -

"postal packet" means a letter, parcel, packet or other article capable of transmission by post,"

12. For section 15(4) substitute -

"(4) Any reference in this Ordinance to an enactment or statutory instrument is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied."

Interpretation.

13. (1) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations throughout the Bailiwick.

(2) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Extent.

14. These Regulations have effect throughout the Bailiwick.

Citation.

15. These Regulations may be cited as the Post Office (Postal Packets) (Amendment) Regulations, 2010.

Commencement.

16. These Regulations shall come into force on the 28th July, 2010.

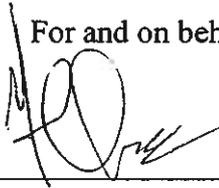
Dated this 21st day of June, 2010

^c Ordres en Conseil Vol. XIII, p. 355.

DEPUTY F. W. QUIN

Deputy Minister of the States Home Department

For and on behalf of the Department



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Post Office (Postal Packets) Ordinance, 1973 by extending the ambit of the Ordinance to postal packets containing cash, providing criminal sanctions for contraventions of the Ordinance and applying relevant provisions of the customs and excise Laws (including provisions as to forfeiture) to such contraventions, and making other consequential amendments.