

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Post Office (Postal Packets) Ordinance, 1973 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XIX, p. 62; as amended by the Post Office (Bailiwick of Guernsey) Law, 2001 (No. XV of 2001, Ordres en Conseil Vol. XLI, p. 515); the Post Office (Postal Packets) (Amendment) Ordinance, 1975 (Recueil d'Ordonnances Tome XX, p. 217); the Post Office (Postal Packets) (Amendment) Ordinance, 1983 (Recueil d'Ordonnances Tome XXII, p. 427); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Post Office (Postal Packets) (Amendment) Regulations, 2010 (G.S.I. No. 56 of 2010). See also the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 (Ordres en Conseil Vol. XXIII, p. 573).

ORDINANCE

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The Post Office (Postal Packets) Ordinance, 1973

ARRANGEMENT OF SECTIONS

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(Made on 25th April, 1973.)

The Post Office (Postal Packets) Ordinance, 1973

THE STATES, in exercise of the powers conferred upon them by sections twenty-four and sixty-eight of the Post Office (Guernsey) Law, 1969, and of all other powers enabling them in that behalf, hereby order: –

Postal packets to which section twenty-four of the Law applies.

1. [Section 37 of the Post Office (Bailiwick of Guernsey) Law, 2001] (hereinafter referred to as "**the Law**")^a, shall apply to all postal packets, other than post cards, which are posted in the Bailiwick for transmission to any place outside it or are brought by post into the Bailiwick.

NOTES

In section 1, the words in square brackets were substituted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, regulation 2, with effect from 28th July, 2010.

The Post Office (Guernsey) Law, 1969, and section 24 thereof, have since been repealed by the Post Office (Bailiwick of Guernsey) Law, 2001, section 47, Schedule 2, Part I, paragraph 1, with effect from 1st October, 2001, subject to the transitional provisions in section 46 of, and Schedule 1 to, the 2001 Law.

Law of 1970 not to apply to postal packets.

2. The Wharfage (Guernsey) Law, 1970^b, shall not apply to goods contained in postal packets to which [section 37 of the Law] applies brought into or sent out of the Bailiwick by post from or to any place outside the Bailiwick.

^a Ordres en Conseil Vol. XXII, p. 128.

^b Ordres en Conseil Vol. XXII, p. 549.

NOTES

In section 2, the words in square brackets were substituted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, regulation 3, with effect from 28th July, 2010.

The Wharfage (Guernsey) Law, 1970 has since been repealed by the Wharfage Law (Repeal) Ordinance, 1976, section 1, with effect from 1st January, 1977.

Customs in relation to goods in postal packets.

3. [(1)] In their application to goods contained in postal packets to which [section 37 of the Law] applies the following provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972^c, shall be subject to the following modifications and exceptions –

- (a) section fifteen shall apply only in any case, or class of cases, in which the States [Committee for Home Affairs] require an entry to be made in accordance with that section,
- (b) in the application of section twenty, subsection (1) thereof shall not apply,
- (c) in the application of section twenty-two, paragraph (a) thereof shall be omitted,
- (d) section twenty-four shall apply with the modification that for references in that section to "shipped for exportation" and "shipping" there shall be substituted references to "posted (or as the context may require

^c No. XXX of 1972.

posting) in the Bailiwick for transmission to any place outside it",

- (e) in the application of section forty-three, the proviso to subsection (2) thereof shall be omitted and subsection (3) thereof shall apply with the modification that the time of exportation of goods shall be the time when they are posted (or re-directed) in the Bailiwick for transmission to a place outside it,
- (f) paragraph 1 of the First Schedule shall, in the case of a thing brought by post into the Bailiwick, apply with the substitution for the words "to any person who to its knowledge was at the time of the seizure the owner or one of the owners thereof" of the words "to the person to whom the postal packet containing the thing is addressed" and sub-paragraph (1) of paragraph 9 of the said Schedule shall not apply.

[(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.]

NOTES

In section 3,

subsection (1) was re-numbered and subsection (2) and subsection (3) were inserted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, respectively regulation 4(a) and regulation 4(c), with effect from 28th July, 2010;

the words in the second pair of square brackets were substituted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, regulation 4(b), with effect from 28th July, 2010;

the words in the third pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, section 1(5), with effect from 1st October, 2004, any reference in this enactment to "impôt" shall be construed as a reference to excise duty.

Dutiable goods.

4. Dutiable goods shall not be brought by post into the Bailiwick from a place situated outside the Bailiwick for delivery in the Bailiwick, except –

- (a) in a parcel, [...] a letter packet or a small packet, or
- (b) in a printed packet, provided that the goods are of such a description as to be transmissible in such a packet under section eighteen of the Post Office (Overseas Letter Post) Order, 1973.

NOTES

In section 4, the words omitted in square brackets in paragraph (a) were repealed by the Post Office (Postal Packets) (Amendment) Ordinance, 1975, section 1(a), with effect from 1st January, 1976.

The Post Office (Overseas Letter Post) Order, 1973 has since been revoked by the Post Office (Overseas Letter Post) Order, 1983, section 39, Schedule 9, with effect from 5th April, 1983. The Post Office (Overseas Letter Post) Order, 1983 has since been revoked by the Post Office (Overseas Letter Post) Order, 1993, section 39, Schedule 9, with effect from 5th April, 1993. The Post Office (Overseas Letter Post) Order, 1993 has since been revoked by the Guernsey Post Ltd (Inland and Overseas Letter and Parcel Post) Scheme, 2018, section 17(b)(ii), with effect from 3rd April, 2018.

Customs declaration and green label on parcels [...] and packets brought by post into Bailiwick.

5. (1) This section relates to –
- (a) parcels brought by post into the Bailiwick,
 - (b) ...
 - (c) packets brought by post into the Bailiwick, being printed packets containing or consisting of dutiable goods, small packets or letter packets, where the value of any such packet exceeds [fifty pound sterling].
 - (d) packets brought by post into the Bailiwick, being printed packets containing or consisting of dutiable goods, small packets or letter packets, where the value of any such packet does not exceed [fifty pounds sterling],
 - [(e) postal packets brought by post into the Bailiwick

containing cash, where the value of the cash exceeds £50.]

(2) Every parcel referred to in paragraph (a) of subsection (1) of this section shall have affixed to it, or be accompanied by, a customs declaration fully and correctly stating the nature, quantity and value of the goods which it contains or of which it consists, and such other particulars as the States [Committee for Home Affairs] or [the Committee] may require.

(3) ...

(4) Every packet referred to in paragraph (c) of subsection (1) of this section shall have attached to it a full and correct customs declaration of the kind described in subsection (2) of this section and, in addition, shall bear on the outside the top portion of a green label in the prescribed form:

Provided that any packet referred to in this subsection, being a registered letter packet containing any article of value, may have the customs declaration referred to in this subsection enclosed in it.

(5) Every packet referred to in paragraph (d) of subsection (1) of this section shall either –

- (a) bear on the outside a green label in the prescribed form, in which the declaration as to the description, net weight and value of the contents shall be fully and correctly completed, or
- (b) bear on the outside the top portion of a green label in the prescribed form and, in addition, have attached to it a full and correct customs declaration of the kind

described in subsection (2) of this section:

Provided that any packet referred to in this subsection, being a registered letter packet containing any article of value, may have the customs declaration referred to in paragraph (b) of this subsection enclosed in it.

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

NOTES

In section 5,

the words omitted in square brackets in the marginal note thereto were repealed by the Post Office (Postal Packets) (Amendment) Ordinance, 1975, section 1(b)(i), with effect from 1st January, 1976;

paragraph (b) of subsection (1) was repealed, and the words in square brackets in paragraph (c) and paragraph (d) thereof were substituted, by the Post Office (Postal Packets) (Amendment) Ordinance, 1975, respectively section 1(b)(ii) and section 1(b)(iii), with effect from 1st January, 1976;

paragraph (e) of subsection (1), and subsection (6), were inserted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, respectively regulation 5 and regulation 6, with effect from 28th July, 2010;

the words in the first pair of square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016;³

the words in the second pair of square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016;

subsection (3) was repealed by the Post Office (Postal Packets) (Amendment) Ordinance, 1975, section 1(b)(iv), with effect from 1st January, 1976.

The functions, rights and liabilities of the Home Department and its Minister

*arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*⁴

Customs declaration and green label on parcels [...] and packets posted in the Bailiwick.

6. (1) This section relates to –
- (a) parcels posted in the Bailiwick for transmission to any place outside it,
 - (b) ...
 - (c) packets posted in the Bailiwick for transmission to any place outside it, being printed packets containing or consisting of goods which are dutiable in the country of destination, small packets or letter packets, where the value of any such packet exceeds [fifty pounds sterling],
 - (d) packets posted in the Bailiwick for transmission to any place outside it, being printed packets containing or consisting of goods which are dutiable in the country of destination, small packets or letter packets, where the value of any such packet does not exceed [fifty pounds sterling],
 - [(e) postal packets posted in the Bailiwick for transmission to any place outside it containing cash, where the value of the cash exceeds £50.]

(2) Every parcel referred to in paragraph (a) of subsection (1) of this section shall have affixed to it, or be accompanied by, a customs declaration fully and correctly stating the nature, quantity and value of the goods which it contains or of which it consists, and such other particulars as the States [Committee for Home Affairs] or [the Committee] may require.

(3) ...

(4) Every packet referred to in paragraph (c) of subsection (1) of this section shall bear on the outside the top portion of a green label in the prescribed form and, in addition, shall have attached to it, or, if the postal administration of the country of destination so requires, enclosed in it, a full and correct customs declaration of the kind described in subsection (2) of this section:

Provided that any packet referred to in this subsection, being a registered letter packet containing any article of value, may have the customs declaration referred to in this subsection enclosed in it if the sender so prefers.

(5) Every packet referred to in paragraph (d) of subsection (1) of this section shall either –

- (a) bear on the outside a green label in the prescribed form, in which the declaration as to the description, net weight and value of the contents shall be fully and correctly completed, or
- (b) if the sender so prefers, bear on the outside the top portion of a green label in the prescribed form and, in addition, have attached to it or, if the postal administration of the country of destination so requires,

enclosed in it, a full and correct customs declaration of the kind described in subsection (2) of this section:

Provided that any packet referred to in this subsection, being a registered letter packet containing any article of value, may have the customs declaration referred to in paragraph (b) of this subsection enclosed in it if the sender so prefers.

[(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).]

NOTES

In section 6,

the words omitted in square brackets in the marginal note thereto were repealed by the Post Office (Postal Packets) (Amendment) Ordinance, 1975, section 1(c)(i), with effect from 1st January, 1976;

paragraph (b) of subsection (1) was repealed, and the words in square brackets in paragraph (c) and paragraph (d) thereof were substituted, by the Post Office (Postal Packets) (Amendment) Ordinance, 1975, respectively section 1(c)(ii) and section 1(c)(iii), with effect from 1st January, 1976;

paragraph (e) of subsection (1), and subsection (6), were inserted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, respectively regulation 7 and regulation 8, with effect from 28th July, 2010;

the words in the first pair of square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016;⁵

the words in the second pair of square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016;

subsection (3) was repealed by the Post Office (Postal Packets) (Amendment) Ordinance, 1975, section 1(c)(iv), with effect from 1st January,

1976.

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*⁶

Application to mail bags.

7. Without prejudice to the application of paragraphs (c) and (d) of subsection (1) and subsections (4) and (5) of section five and paragraphs (c) and (d) of subsection (1) and subsections (4) and (5) of section six of this Ordinance to any printed packet contained in it, every mail bag containing printed packets containing or consisting of goods which are dutiable in the country of destination, brought by post into the Bailiwick or posted in the Bailiwick for transmission to any place outside it under the provisions of section twenty-five of the Post Office (Overseas Letter Post) Order, 1973, shall have affixed to the bag label a green label in the prescribed form.

NOTE

The Post Office (Overseas Letter Post) Order, 1973 has since been revoked by the Post Office (Overseas Letter Post) Order, 1983, section 39, Schedule 9, with effect from 5th April, 1983. The Post Office (Overseas Letter Post) Order, 1983 has since been revoked by the Post Office (Overseas Letter Post) Order, 1993, section 39, Schedule 9, with effect from 5th April, 1993. The Post Office (Overseas Letter Post) Order, 1993 has since been revoked by the Guernsey Post Ltd (Inland and Overseas Letter and Parcel Post) Scheme, 2018, section 17(b)(ii), with effect from 3rd April, 2018.

Goods for export.

8. Without prejudice to the provisions of sections five, six and seven of this Ordinance, every postal packet containing goods to be exported by post without payment of any tax, duty or impôt to which they are subject, or on drawback or repayment of such tax, duty or impôt shall on its removal to the post office –

- (a) be accompanied by such shipping bill, declaration or other document containing such particulars as the States [Committee for Home Affairs] may require, and
- (b) have affixed to its outer cover in the form and manner so required a label having printed thereon the words "Exported under Revenue control by Post", or be distinguished in such other manner as may be so required.

NOTES

In section 8, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.⁷

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁸

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, section 1(5), with effect from 1st October, 2004, any reference in this enactment to "impôt" shall be construed as a reference to excise duty.

Duties of proper officer of the States Post Office.

9. (1) The proper officer of the States Post Office is hereby authorised to perform in relation to any postal packet or the goods which it contains such of the duties required by virtue of any enactments for the time being in force relating to taxes, duties or impôts to be performed by the importer or exporter of goods as the States [Committee for Home Affairs] may require.

(2) In such cases or classes of case as the States [Committee for Home Affairs] may so require, the proper officer of the States Post Office shall produce to the Chief Revenue Officer postal packets arriving in the Bailiwick or about to be despatched from the Bailiwick and, if the Chief Revenue Officer so requires, shall open for customs examination any packet so produced.

(3) The proper officer of the States Post Office accepting any outgoing packet in respect of which the requirements of paragraph (b) of section eight of this Ordinance have been duly complied with shall endorse a certificate of the posting of the packet on the appropriate document and shall give it to the sender.

NOTES

In section 9, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.⁹

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.¹⁰

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, section 1(5), with effect from 1st October, 2004, any reference in this enactment to "impôt" shall be construed as a reference to excise duty.

Notice of entry.

10. If goods are brought by post into the Bailiwick, and the Chief Revenue Officer sends to the addressee of the packet in which they are contained, or to any other person who is for the time being the importer of the goods, a notice requiring entry to be made of them in such form and manner and containing such particulars as the States [Committee for Home Affairs] may direct to be made of them, but entry is not made within one month of the date of such notice, or within such longer period as

the States [Committee for Home Affairs] may allow, then unless the States [Committee for Home Affairs] have required the packet to be delivered to them under the provisions of section thirteen of this Ordinance [the Committee] shall retain the goods in its custody and shall –

- (a) return the goods to the sender of the packet in which they were contained or otherwise export them from the Bailiwick in accordance with any request or indication appearing on the packet, or
- (b) deliver the goods to the Chief Revenue Officer, or
- (c) with the permission of the States [Committee for Home Affairs], and under the supervision of the Chief Revenue Officer, destroy them.

NOTES

In section 10,

the words "Committee for Home Affairs" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016;¹¹

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016.

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.¹²

Payment of tax, duty or impôt on delivery.

11. (1) On delivering a postal packet the proper officer of the States Post Office may demand payment of any tax, duty or impôt due to the States in respect of it, and any sum so received shall be paid over to [the Committee] and [the Committee] shall pay any such sum to the States [Committee for Home Affairs] for the account of the States.

(2) If payment is not made of any tax, duty or impôt so demanded, then, subject to subsection (3) of this section, [the Committee] may, with the agreement of the States [Committee for Home Affairs], dispose of the goods contained in the packet as it sees fit.

(3) If any amount demanded in accordance with subsection (1) of this section, but not paid, is an amount other than a tax, duty or impôt, [the Committee] shall deliver the packet to the Chief Revenue Officer.

NOTES

In section 11,

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016;

the words "Committee for Home Affairs" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.¹³

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.¹⁴

In accordance with the provisions of the Customs and Excise (General

Provisions) (Bailiwick of Guernsey) Law, 1972, section 1(5), with effect from 1st October, 2004, any reference in this enactment to "impôt" shall be construed as a reference to excise duty.

Non-compliance with this Ordinance.

12. If [...] goods are brought by post into the Bailiwick in any postal packet contrary to the provisions of section four of this Ordinance, or if any postal packet or mail bag to which the provisions of sections five, six or seven of this Ordinance apply does not contain, does not have affixed or attached to it or is not accompanied by the declaration, or does not bear the green label, required by those sections, or if the contents of any postal packet do not agree with the green label or customs declaration affixed or attached to the packet, or by which it is accompanied, or if the other requirements of those sections are not complied with in every material respect, then in every such case the packet or mail bag and all its contents shall be liable to forfeiture.

NOTE

In section 12, the word omitted in square brackets was repealed by the Post Office (Postal Packets) (Amendment) Regulations, 2010, regulation 9, with effect from 28th July, 2010.

[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.]

NOTES

Section 12A was inserted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, regulation 10, with effect from 28th July, 2010.

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, section 1(5), with effect from 1st October, 2004, any reference in this enactment to "impôt" shall be

construed as a reference to excise duty.

[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.]

NOTE

Section 12B was inserted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, regulation 10, with effect from 28th July, 2010.

[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.]

NOTE

Section 12C was inserted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, regulation 10, with effect from 28th July, 2010.

[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 [Committee for Home Affairs] 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 [Committee for Home Affairs] under that section.]

NOTE

Section 12D was inserted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, regulation 10, with effect from 28th July, 2010.

In section 12D, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

In accordance with the provisions of the Customs and Excise (General

Provisions) (Bailiwick of Guernsey) Law, 1972, section 1(5), with effect from 1st October, 2004, any reference in this enactment to "impôt" shall be construed as a reference to excise duty.

Forfeiture of goods.

13. If the States [Committee for Home Affairs] requires any postal packet to be delivered to it on the ground that any goods contained in it are liable to forfeiture under the provisions of any enactments for the time being in force relating to taxes, duties or impôts, then the proper officer of the States Post Office shall deliver the packet to the Chief Revenue Officer.

NOTES

In section 13, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.¹⁵

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.¹⁶

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, section 1(5), with effect from 1st October, 2004, any reference in this enactment to "impôt" shall be construed as a reference to excise duty.

Saving.

14. Nothing in this Ordinance shall authorise the sending or bringing of any article out of or into the Bailiwick by post contrary to the provisions of the Post Office (Overseas Letter Post) Order, 1973, the Post Office (Overseas Parcel Post) Order, 1973, or the provisions of the Post Office (Inland Post) Order, 1973, which are applicable thereto.

NOTES

The Post Office (Overseas Letter Post) Order, 1973 has since been revoked by the Post Office (Overseas Letter Post) Order, 1983, section 39, Schedule 9, with effect from 5th April, 1983. The Post Office (Overseas Letter Post) Order, 1983 has since been revoked by the Post Office (Overseas Letter Post) Order, 1993, section 39, Schedule 9, with effect from 5th April, 1993. The Post Office (Overseas Letter Post) Order, 1993 has since been revoked by the Guernsey Post Ltd (Inland and Overseas Letter and Parcel Post) Scheme, 2018, section 17(b)(ii), with effect from 3rd April, 2018.

The Post Office (Overseas Parcel Post) Order, 1973 has since been revoked by the Post Office (Overseas Parcel Post) Order, 1983, section 23, Fifth Schedule, with effect from 5th April, 1983. The Post Office (Overseas Parcel Post) Order, 1983 has since been revoked by the Post Office (Overseas Parcel Post) Order, 1993, section 22, Schedule 6, with effect from 5th April, 1993. The Post Office (Overseas Parcel Post) Order, 1993 has since been revoked by the Guernsey Post Ltd (Inland and Overseas Letter and Parcel Post) Scheme, 2018, section 17(b)(iii), with effect from 3rd April, 2018.

The Post Office (Inland Post) Order, 1973 has since been revoked by the Post Office (Inland Post) Order, 1983, section 48, Tenth Schedule, with effect from 5th April, 1983. The Post Office (Inland Post) Order, 1983 has since been revoked by the Post Office (Inland Post) Order, 1993, section 50, Schedule 8, with effect from 5th April, 1993. The Post Office (Inland Post) Order, 1993 has since been revoked by the Guernsey Post Ltd (Inland and Overseas Letter and Parcel Post) Scheme, 2018, section 17(b)(i), with effect from 3rd April, 2018.

Interpretation.

15. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"[**the Committee**]" means the [States [Committee for Economic Development]],

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

["**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,]

"**dutiable goods**" means goods of a class or description subject to any tax, duty or impôt under the provisions of any enactment for the time being in force relating to taxes, duties or impôts,

"**importer**" in relation to any goods at any time between their importation and the time when they are delivered out of the charge of the States [Committee for Home Affairs], includes any owner or other person for the time being possessed of or beneficially interested in the goods,

"**inland post**" means the post for the transmission of those postal packets to which the provisions of the Post Office (Inland Post) Order, 1973, apply,

"**letter packet**" means a packet transmitted at the letter rate of postage and containing goods,

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

["**an officer of the States Post Office Board**" includes a person engaged by a universal postal service provider,]

"**prescribed**" means prescribed by the provisions of the Universal Postal Convention and Detailed Regulations made thereunder which are for the time being in force,

"**proper**" in relation to an officer of the States Post Office means

approved or authorised by [the Committee] to perform any duty in relation to a postal packet.

(2) In this Ordinance (except in relation to the inland post) the [expression] [...] "**printed packet**" and "**small packet**" have the same meaning as in the Post Office (Overseas Letter Post) Order, 1973, and the expression "**parcel**" has the same meaning as in the Post Office (Overseas Parcel Post) Order, 1973.

(3) In this Ordinance, in relation to inland post, the expression "**parcel**" has the same meaning as in the Post Office (Inland Post) Order, 1973, and references to [...] printed packets and small packets shall, in relation to the inland post, be deemed to be omitted.

[(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.]

[(5) In this section the expression "**enactment**" includes any order, rule or regulation made in pursuance of any enactment.]

NOTES

In section 15,

the word in square brackets in the definition of the expression "the Committee" in subsection (1) was substituted by the Post Office (Bailiwick of Guernsey) Law, 2001, section 46, Schedule 1, paragraph 2(1)(a)(i), with effect from 1st October, 2001;

the words in, first, the first pair of square brackets in the definition of the expression "the Committee" in subsection (1), second, the words in square brackets within the second pair of square brackets in the definition of that expression therein and, third, the words "the Committee" in square brackets wherever else occurring were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 2, section 2, Schedule 1, paragraph 1(a) and section 5(1), Schedule 3, paragraph 2, with effect from 1st May, 2016;¹⁷

the definitions of the expressions "cash", "Chief Revenue Officer" and "postal packet" were inserted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, respectively regulation 11(a), regulation 11(b) and regulation 11(c), with effect from 28th July, 2010;

the words in square brackets in the definition of the expression "importer" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016;¹⁸

the definition of the expression "an officer of the States Post Office Board" in subsection (1) was inserted by the Post Office (Bailiwick of Guernsey) Law, 2001, section 46, Schedule 1, paragraph 2(1)(a)(ii), with effect from 1st October, 2001;

the words omitted in square brackets in subsection (2) and subsection (3) were repealed by the Post Office (Postal Packets) (Amendment) Ordinance, 1975, respectively section 1(d)(i) and section 1(d)(ii), with effect from 1st January, 1976;

subsection (4) was substituted by the Post Office (Postal Packets) (Amendment) Regulations, 2010, regulation 12, with effect from 28th July, 2010;¹⁹

subsection (5) was inserted by the Post Office (Postal Packets) (Amendment) Ordinance, 1983, section 1, with effect from 27th January, 1983.

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Economic Development and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²⁰

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²¹

In accordance with the provisions of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, section 1(5), with effect from 1st October, 2004, any reference in this enactment to "impôt" shall be construed as a reference to excise duty.

The Post Office (Overseas Letter Post) Order, 1973 has since been revoked by the Post Office (Overseas Letter Post) Order, 1983, section 39, Schedule 9, with effect from 5th April, 1983. The Post Office (Overseas Letter Post) Order, 1983 has since been revoked by the Post Office (Overseas Letter Post) Order, 1993, section 39, Schedule 9, with effect from 5th April, 1993. The Post Office (Overseas Letter Post) Order, 1993 has since been revoked by the Guernsey Post Ltd (Inland and Overseas Letter and Parcel Post) Scheme, 2018, section 17(b)(ii), with effect from 3rd April, 2018.

The Post Office (Overseas Parcel Post) Order, 1973 has since been revoked by the Post Office (Overseas Parcel Post) Order, 1983, section 23, Fifth Schedule, with effect from 5th April, 1983. The Post Office (Overseas Parcel Post) Order, 1983 has since been revoked by the Post Office (Overseas Parcel Post) Order, 1993, section 22, Schedule 6, with effect from 5th April, 1993. The Post Office (Overseas Parcel Post) Order, 1993 has since been revoked by the Guernsey Post Ltd (Inland and Overseas Letter and Parcel Post) Scheme, 2018, section 17(b)(iii), with effect from 3rd April, 2018.

The Post Office (Inland Post) Order, 1973 has since been revoked by the Post Office (Inland Post) Order, 1983, section 48, Tenth Schedule, with effect from 5th April, 1983. The Post Office (Inland Post) Order, 1983 has since been revoked by the Post Office (Inland Post) Order, 1993, section 50, Schedule 8, with effect from 5th April, 1993. The Post Office (Inland Post) Order, 1993 has since been revoked by the Guernsey Post Ltd (Inland and Overseas Letter and Parcel Post) Scheme, 2018, section 17(b)(i), with effect from 3rd April, 2018.

The word in square brackets in subsection (2) shown, incorrectly, in the printed version of this section as "expression" should read "expressions".

Citation and Commencement.

16. (1) This Ordinance may be cited as the Post Office (Postal Packets) Ordinance, 1973.

(2) This Ordinance shall come into force on the first day of May, nineteen hundred and seventy-three.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

² The functions, rights and liabilities of the Home Department and its Minister

arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

3 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

4 The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

5 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

6 The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

7 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

8 The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

9 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

10 The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the

Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

11 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

12 The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

13 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

14 The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

15 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

16 The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

17 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

18 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

19 Prior to its substitution, subsection (4) was inserted by the Post Office (Postal Packets) (Amendment) Ordinance, 1983, section 1, with effect from 27th January,

1983.

20 The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

21 The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.