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The following Act was passed by Parliament on 23rd November 1999 and assented to by the President on 30th November 1999:—

THE POSTAL SERVICES ACT 1999

(No. 42 of 1999)

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REPUBLIC OF SINGAPORE**No. 42 of 1999.**

I assent.



S R NATHAN,
President.
30th November 1999.

An Act to provide for the operation and provision of postal systems and services in Singapore and for matters connected therewith, and to make consequential amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Postal Services Act 1999 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“appointed day” means the date of commencement of this Act;

“code of practice” and “standard of performance” mean, respectively, a code of practice and a standard of performance issued or approved under section 24;

“equipment” includes any appliance, apparatus or accessory used or intended to be used for postal purposes;

“installation or plant used for posts” includes all buildings, lands, structures, machinery, equipment, boxes and receptacles used or intended for use in connection with the transmission of postal articles by post;

“letter” includes any communication in the nature of current and personal correspondence;

“mail bag” means any bag, container, envelope or covering in which postal articles are conveyed;

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

“parcel” means a postal article which is posted at a post office in Singapore as a parcel in accordance with the provisions of this Act or is received at a post office in Singapore by parcel post;

“post” means any system for the collection, despatch, conveyance, handling and delivery of postal articles by or through a public postal licensee;

“post office” means any building, house, room, vehicle or place where postal articles are received, delivered, sorted, made up or despatched;

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

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

- “postal article” means any article or thing transmissible by post but does not include such article or thing as the Postal Authority may prescribe to be not transmissible by post;
- “Postal Authority” means the person appointed under section 3 to be responsible for the administration of this Act;
- “postal licensee” means a person to whom a licence has been granted under section 6;
- “postal service” means any service by post;
- “postcard” means a card recognised as a postcard in accordance with the terms of the Convention regulating the affairs of the Universal Postal Union;
- “posting box” includes any pillar box and wall box and any other box or receptacle provided by or under the authority of a public postal licensee for the purpose of receiving postal articles for transmission by, or under the authority of, a public postal licensee;
- “public postal licensee” means a person designated by the Postal Authority under section 7;
- “public postal licensee’s installation or plant” means any installation or plant used for posts belonging to or used by a public postal licensee;
- “repealed Act” means the Telecommunication Authority of Singapore Act (Cap. 323) repealed by the Information Communications Development Authority of Singapore Act 1999;
- “TAS” means the Telecommunication Authority of Singapore reconstituted under the repealed Act;
- “vessel” includes any ship, boat, air-cushioned vehicle or floating rig or platform used in any form of operations at sea or any other description of vessel.

(2) For the purposes of this Act —

(a) the delivery of a postal article by depositing it —

- (i) into the letter box of the addressee or by leaving it at the house or office of the addressee, or with the addressee or with his employee or agent or other person authorised to receive it and, where the

addressee is a guest or is a resident at a hotel, hostel or lodging of a similar nature, by leaving it with the proprietor or manager thereof or with his agent shall be a delivery to the addressee; and

(ii) into any posting box or by handing it over to an employee or agent of a public postal licensee authorised to receive it shall be a delivery to the licensee; and

(b) a postal article shall be in the course of transmission by post from the time of it being delivered to a public postal licensee to the time of it being delivered to the addressee, or it being returned to the sender or otherwise disposed of under this Act.

Postal Authority

3.—(1) The Minister may, by notification in the *Gazette*, appoint such person to be the Postal Authority responsible for the administration of this Act.

(2) Subject to the provisions of this Act, the functions conferred on the Postal Authority by this Act may be performed by any officer of or any person who is in the employment of the Postal Authority who has been generally or specially authorised by name or office by the Postal Authority, and subject to its direction and control.

PART II

EXCLUSIVE PRIVILEGE AND LICENSING, ETC., OF POSTAL SERVICES

Exclusive privilege with respect to conveyance, etc., of letters

4.—(1) As from the appointed day and subject to this Act, the Postal Authority shall have the exclusive privilege of conveying from one place to another letters and postcards and performing all incidental services of receiving, collecting, sending, despatching and delivering letters and postcards.

(2) No letter or postcard shall, unless exempt by this Act or any other written law, be conveyed into or out of Singapore, from

or to any place between which and Singapore posts or postal communications are established, or from one place to another, or be delivered or distributed in Singapore otherwise than by or through the post.

Exceptions to section 4

5. The privilege conferred by section 4 shall not be infringed by —

- (a) letters or postcards or both not exceeding 3 in number sent by a person for delivery by the person to another without hire, reward or other profit for receiving, carrying or delivering the letters or postcards;
- (b) any letter or postcard solely concerning the affairs of the sender or receiver thereof, sent by a messenger employed for that purpose; and
- (c) any letter or postcard solely concerning any goods or other property which is to be delivered with the letter or postcard, without hire, reward or other profit for receiving, carrying or delivering the letter or postcard, if the letter or postcard is open to inspection and has thereon the words “Consignee’s letter” or other words to the same effect.

Power to license conveyance of letters, etc.

6.—(1) A licence may, with the consent of or in accordance with the terms of a general authority given by the Minister, be granted by the Postal Authority either unconditionally or subject to such conditions as the Postal Authority may impose and specify in the licence and either irrevocably or subject to revocation as therein specified for the conveyance from one place to another of such letters and postcards and the performance of such incidental services of receiving, collecting, sending, despatching and delivering letters and postcards as are specified in the licence.

(2) A licence granted under subsection (1) may be granted either to any person, class of persons or a particular person and may include (without prejudice to the power to impose conditions conferred by that subsection) conditions requiring the licensee —

- (a) to enter into agreements or arrangements with any person, class of persons or another postal licensee for —
 - (i) the interconnection of, and access to, postal systems;

- (ii) the sharing of installation or plant used for posts belonging to any postal licensee; and
- (iii) such other purpose as may be specified in the licence, on such terms and conditions as may be agreed to by the licensee and such other persons or licensees or, in default of agreement, as may be determined by the Postal Authority;
- (b) to pay to the Postal Authority a fee on the grant of the licence or to pay to the Postal Authority periodic fees during the currency of the licence or both, of such amount as may be determined by or under the licence;
- (c) to comply with any direction given by the Postal Authority as to such matters as are specified in the licence or are of a description so specified;
- (d) to comply with codes of practice and standards of performance that are applicable to the licensee; and
- (e) to do or not to do such things as are specified in the licence or are of a description so specified.

(3) Any payment required by subsection (2) to be rendered to the Postal Authority may be recovered by it in any court of competent jurisdiction as if it were a simple contract debt.

(4) No person shall question whether the grant of a licence under subsection (1) was, or was not, effected with the consent of or in accordance with the terms of a general authority given by the Minister, and the validity of a licence granted under that subsection shall not be impugned on the ground that it was granted neither with the consent of nor in accordance with the terms of a general authority given by the Minister.

(5) The grant of licences under this section shall be at the discretion of the Postal Authority.

(6) Nothing in this section shall prevent the Minister from directing the Postal Authority to grant a licence in any specific case and any person aggrieved by a refusal of the Postal Authority to grant a licence may, within 14 days of the refusal, appeal to the Minister whose decision shall be final.

(7) Anything done under and in accordance with a licence granted under subsection (1) shall not constitute an infringement of the privilege conferred by section 4.

Designation of public postal licensees

7. The Postal Authority may, with the approval of the Minister, designate any postal licensee as a public postal licensee to perform all or any of the functions relating to the provision of postal services within the exclusive privilege of the Postal Authority under this Act.

Modification of licence conditions

8.—(1) Subject to this section, the Postal Authority may modify the conditions of a licence granted under section 6.

(2) Before making modifications to the conditions of a licence of a public postal licensee under this section, the Postal Authority shall give notice to the licensee —

- (a) stating that it proposes to make the modifications in the manner as specified in the notice and the compensation payable for any damage caused thereby; and
- (b) specifying the time (not being less than 28 days from the date of service of notice on such licensee) within which written representations with respect to the proposed modifications may be made.

(3) Upon receipt of any written representation referred to in subsection (2), the Postal Authority shall consider such representation and may —

- (a) reject the representation; or
- (b) amend the proposed modifications or compensation payable in accordance with the representation, or otherwise,

and, in either event, the Postal Authority shall thereupon issue a direction in writing to such licensee requiring that effect be given to the proposed modifications specified in the notice or to such modifications as subsequently amended by the Postal Authority within a reasonable time.

(4) Any public postal licensee aggrieved by the decision of the Postal Authority under subsection (3) may, within 14 days of the receipt by it of the direction of the Postal Authority, appeal to the Minister whose decision shall be final.

- (5) The Postal Authority shall not enforce its direction —
- (a) during the period referred to in subsection (4); and

- (b) whilst the appeal of the public postal licensee is under consideration by the Minister.

(6) If no written representation is received by the Postal Authority within the time specified in subsection (2) or if any written representation made under subsection (2) is subsequently withdrawn, the Postal Authority may forthwith carry out the modifications as specified in the notice given under subsection (2).

Suspension or cancellation of licence, etc.

9.—(1) If the Postal Authority is satisfied that a person who is granted a licence under section 6 or any regulations made under this Act is contravening, or has contravened, whether by act or omission —

- (a) any of the conditions of the licence;
- (b) any provision of any code of practice or standard of performance; or
- (c) any direction of the Authority given under section 25,

the Authority may, by notice in writing, do either or both of the following:

- (i) issue such written order to the person as it considers requisite for the purpose of securing compliance thereof;
- (ii) require the payment, within a specified period, of a financial penalty of such amount not exceeding \$10,000 as it thinks fit,

except that where the Authority is satisfied that the person is again likely to so contravene, whether by act or omission, the Authority may (in lieu of an order or financial penalty under paragraph (i) or (ii) or both) by notice in writing and without any compensation, do all or any of the following:

- (A) cancel the licence or part thereof;
- (B) suspend the licence or part thereof for such period as it thinks fit;
- (C) reduce the period for which the licence is to be in force.

(2) Any person who is aggrieved by any decision of the Authority under subsection (1) may, within 14 days after such person has been given the notice in writing referred to in subsection (1), appeal to the Minister whose decision shall be final.

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- (3) An order under subsection (1) (i)—
- (a) shall require the person concerned (according to the circumstances of the case) to do, or not to do, such things as are specified in the order or are of a description so specified therein;
 - (b) shall take effect at such time, being the earliest practicable time, as is determined by or under that order; and
 - (c) may be revoked at any time by the Authority.
- (4) Any person who fails to comply with any order under subsection (1) (i) shall be guilty of an offence.
- (5) In any proceedings brought against any person for an offence under subsection (4), it shall be a defence for him to prove that he took all reasonable steps and exercised all due diligence to avoid contravening the order.
- (6) Any financial penalty payable by any person by virtue of subsection (1) shall be recoverable by the Postal Authority as a debt due to the Postal Authority from that person; and the person's liability to pay shall not be affected by his licence ceasing (for any reason) to be in force.

Residual power of Postal Authority to provide postal services

10.—(1) The Postal Authority may provide any postal service notwithstanding that it has granted a licence to any person under section 6 in any of the following circumstances:

- (a) if the Postal Authority is of the opinion that a person licensed under section 6 has failed to discharge or is not discharging to the Postal Authority's satisfaction the obligations imposed by the Postal Authority on that person in the licence; or
- (b) to give effect to any direction of the Minister under section 45.

(2) Where the Postal Authority undertakes the provision of postal services under subsection (1), sections 2, 10, 11, 12, 13, 18 to 23, 27 to 34, 36 to 38, 40 to 44, 57 and 58 shall apply, with the necessary modifications, to the Postal Authority in respect of the provision of such services and the references to public postal licensees in those sections shall be read as references to the Postal Authority.

PART III

POSTAL SERVICES AND SYSTEMS

Power to specify documents and terms and conditions for remittance of money

11. A public postal licensee may provide for the remittance of any sum of money and may specify the documents to be used in connection with the remittance of money in accordance with any regulations made under this Act.

Documents to be deemed valuable securities

12. Any document specified by a public postal licensee to be used for the remittance of money through the licensee shall be deemed to be a valuable security within the meaning of the Penal Code (Cap. 224).

Examination of postal articles

13. All postal articles received from outside Singapore may be examined while in the custody of a public postal licensee by the Director-General of Customs and Excise or any senior officer of customs, and may be opened by an employee of the licensee in the presence of the Director-General of Customs and Excise or the senior officer of customs for the purpose of the examination.

Forfeiture of postal articles

14. Any postal article found upon any examination under section 13 to contain any dutiable goods, that postal article not having affixed thereto a true declaration of those goods, shall be liable to forfeiture by order of the Director-General of Customs and Excise.

Presumption as to importer

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

Restrictions in dealing in and import and export control of franking machines

16.—(1) Any person intending to apply to the Controller of Imports and Exports for permit to import, export or tranship any franking machine shall, before the application is made, obtain the written approval of the Postal Authority.

(2) The Postal Authority may require the person making the application for the import, export or transshipment of any franking machine to produce the machine for testing by the Postal Authority, and all expenses incurred in connection therewith shall be borne by the person.

(3) Where any franking machine has been imported without the written approval of the Postal Authority, it shall be re-exported or disposed of by the person who imported it in such manner as the Postal Authority may direct.

(4) Any person who —

- (a) imports, exports or tranships any franking machine without the prior written approval of the Postal Authority; and
- (b) fails to comply with any direction of the Postal Authority made under subsection (3),

shall be guilty of an offence.

(5) Except with the written approval or permission of the Postal Authority, no person shall manufacture, deal in, sell, supply, distribute or offer to sell, supply or distribute any franking machine.

(6) The Postal Authority may, in granting any written approval or permission under this section, impose such conditions as it thinks fit.

(7) Any person who contravenes subsection (5) shall be guilty of an offence.

Delivery of postal articles

17.—(1) The Postal Authority shall publish the specifications relating to the number, place, dimensions and other characteristics of letter boxes and may approve the installation and use of such other mail delivery systems or arrangements as it may consider fit.

(2) A developer of any residential, commercial or industrial building shall —

- (a) provide one letter box per unit in the case of any residential building and one letter box per tenant in the case of any commercial or industrial building;
- (b) ensure that the letter boxes provided under paragraph (a) are numbered in numerical sequence; and
- (c) comply with all other specifications laid down by the Authority in accordance with subsection (1).

(3) Any developer who contravenes or fails to comply with subsection (2) shall be guilty of an offence.

(4) For the purposes of this section, “commercial or industrial building” includes any shopping complex.

Posting boxes and postal label vending machines

18. A public postal licensee may, with the approval of the Postal Authority, erect, relocate and remove any posting box and postal label vending machine in any public road, street or highway, or in any other public place.

Provision of postage stamps

19.—(1) A public postal licensee may, subject to such directions as the Minister may give, cause postage stamps to be provided of such kinds and denoting such values as the licensee may determine for the purposes of this Act.

(2) Any postage stamp provided under this section shall be used for the prepayment of any postage or other sum chargeable under this Act in respect of any postal article, except where the public postal licensee determines that prepayment may be made in some other manner.

(3) All philatelic archival materials produced by a public postal licensee shall belong to the Government and shall be kept in such custody as the Minister directs.

(4) For the purpose of subsection (3), “philatelic archival materials” include —

- (a) philatelic stamps;
- (b) artworks, proofs, progressive sheets, printed sheets and printing plates of philatelic stamps; and
- (c) date-stamps, slogan dies and other artifacts used in connection with the production of philatelic stamps.

Official marks to be prima facie evidence of certain facts denoted

20. In any proceedings for the recovery of any postage or other fee or sum payable in respect of a postal article —

- (a) the production of a postal article having thereon the official mark of a public postal licensee denoting that the article has been refused or that the addressee is dead or cannot be found shall be prima facie evidence of the fact so denoted; and
- (b) the person from whom any postal article purports to come shall, until the contrary is proved, be deemed to be the sender thereof.

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

21.—(1) Where any postage or other fee or sum is not prepaid or fully prepaid in respect of a postal article posted for delivery in Singapore, a public postal licensee is entitled to be paid, as a condition of delivery, such fee, in addition to the amount of the postage or of the deficient postage payable in respect of the delivery of the article, as is payable in accordance with a determination made by a Postal Authority.

(2) The official mark or label on a postal article denoting that any postage or other fee or sum is due in respect thereof to a public postal licensee or to the postal authority of any foreign country shall be prima facie evidence that the postage or other fee or sum denoted is so due.

Suspension or modification of postal services

22. Where a public postal licensee is unable to maintain all or any of the postal services it is licensed to provide under section 6, the licensee may, with the approval of the Postal Authority, suspend or modify all or any of those postal services.

Power to deal with postal articles sent in contravention of this Act

23.—(1) Any postal article sent by post which is suspected to be sent in contravention of this Act or any regulations made thereunder may be detained and opened by a public postal licensee.

(2) The detention of a postal article under subsection (1) shall not exempt the sender from any proceedings which might have been taken if the postal article had been delivered in due course of post.

(3) Any postal article sent in contravention of this Act or any regulations made thereunder shall be destroyed, returned to the sender or dealt with in such manner as the public postal licensee may direct.

PART IV**CODES OF PRACTICE AND DIRECTIONS****Codes of practice, etc.**

24.—(1) The Postal Authority may issue or approve and, from time to time, review codes of practice and standards of performance in connection with —

- (a) the operation of postal systems;
- (b) the provision of postal services; and
- (c) the conduct of postal licensees in the provision of postal services.

(2) If any provision in any code of practice or standard of performance is inconsistent with any regulations made under this Act, such provision shall, to the extent of the inconsistency, either have effect subject to such regulations or, where appropriate, having regard to such regulations, shall not have effect.

(3) The Postal Authority may exempt, either generally or for such time as the Postal Authority may specify, any postal licensee from any provision in any code of practice or standard of performance.

(4) Every postal licensee shall comply with the relevant codes of practice and standards of performance.

Directions affecting postal licensee

25.—(1) The Postal Authority may give directions to be observed by postal licensees —

- (a) to ensure the reliability of the provision of any postal service to the public;
- (b) to ensure fair and efficient market conduct by postal licensees; or
- (c) in the public interest.

(2) A direction under subsection (1) —

- (a) shall require the postal licensee concerned (according to the circumstances of the case) to do, or not to do, such things as are specified in the direction or are of a description as specified therein;
- (b) shall take effect at such time, being the earliest practicable time, as is determined by or under that direction; and
- (c) may be revoked at any time by the Postal Authority.

(3) Before giving a direction to any postal licensee under subsection (1), the Postal Authority shall, unless the Postal Authority in respect of any particular direction considers that it is not practicable or desirable, give notice —

- (a) stating that the Postal Authority proposes to make the direction and setting out its effect; and
- (b) specifying the time within which representations or objections to the proposed direction may be made,

and shall consider any representations or objections which are duly made.

(4) Any postal licensee who is aggrieved by any direction of the Postal Authority under subsection (1) may, within 14 days after the licensee is served with the direction, appeal to the Minister whose decision shall be final.

(5) Every postal licensee shall comply with every direction of the Postal Authority given to the licensee under this section.

Advisory guidelines

26.—(1) The Postal Authority may make advisory guidelines about any aspect of postal services and postal systems.

(2) The Postal Authority must —

- (a) give a copy of each advisory guideline to the Minister; and
- (b) publish each advisory guideline in the way the Postal Authority thinks fit.

PART V

OFFENCES AND PENALTIES

Obstruction of public postal licensees

27.—(1) Any person who —

- (a) whilst in any premises used for the purposes of the business of a public postal licensee, intentionally obstructs the course of business of the licensee; or
- (b) assaults or intentionally obstructs or incites anyone to obstruct or impede an officer or employee of a public postal licensee in the performance of his duties,

shall be guilty of an offence.

(2) A public postal licensee may require any person guilty of an offence under subsection (1) to leave the premises used for the purposes of its business and, if any such offender who is so required refuses or fails to comply with the requirement, he may be removed by an officer or employee of the licensee.

Intentional damage to installation or plant used for posts

28. Any person who intending —

- (a) to prevent or obstruct the transmission or delivery of any postal article;
- (b) to intercept or to acquaint himself with the contents of any letter; or
- (c) to commit mischief,

damages, removes, tampers with or touches any installation or plant or any part thereof used for posts belonging to a public postal licensee shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Protection of installation or plant used for posts

29.—(1) No person shall, without the written approval of the Postal Authority —

- (a) lay or carry any mains, pipes, conduits, circuits or wires in, along, through, across, over or under any street or place in a manner which is likely to interfere with or cause damage to any installation or plant used for posts; or
- (b) affix any placard, advertisement, notice or other thing in or on, or paint, tar or in any way disfigure any installation or plant used for posts.

(2) Any approval under subsection (1) may be refused by the Postal Authority or granted by the Postal Authority on such terms and conditions as it may determine.

(3) Where the commission by any person of an offence under subsection (1) is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

(4) In any proceedings for an offence under subsection (1), it shall, subject to subsection (5), be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(5) Where the defence provided by subsection (4) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(6) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall, in addition to the forfeiture of any equipment seized, be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

Prohibition of false notice relating to public postal licensees' installation or plant

30. Any person who, without the permission of a public postal licensee, places or maintains in or on any house or place, belonging to him or under his control, any word, letter or mark which signifies or implies or may reasonably lead the public to believe that the house or place is part of a public postal licensee's installation or plant, shall be guilty of an offence.

Damage to public postal licensees' installation or plant

31. Any person who wilfully removes, destroys or damages any installation or plant which belongs to a public postal licensee and is used for posts shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

Compensation for damage caused to public postal licensees' installation or plant

32.—(1) Any person who removes, destroys or damages, whether wilfully, negligently, accidentally or otherwise, the installation or plant which belongs to a public postal licensee and is used for posts shall, in addition to any penalty for which he is liable for an offence under this Act, be liable to pay compensation for the damage he has done and the compensation shall be recoverable by civil action or suit before any court of competent jurisdiction.

(2) Subject to subsection (1), any court before which a person is charged with an offence under this Act may assess the compensation payable under this section and may make an order for the payment of the same.

(3) Any order under subsection (2) may be enforced as if it were a judgment in a civil action or suit.

Unlawful operation of postal services

33. Subject to section 5, any person who —

- (a) conveys any letter or postcard or performs any service incidental to such conveyance without a licence granted under section 6;

- (b) collects, sends, tenders or delivers in order to be sent a letter or postcard without a licence granted under section 6; or
- (c) makes a collection of letters or postcards for transmission or distribution to or from any place through a public postal licensee without a licence granted under section 6,

shall be guilty of an offence.

Offences by officer, employee or agent of public postal licensees

34. Any officer, employee or agent of a public postal licensee who —

- (a) destroys or throws away any postal article in the course of transmission by post or anything contained therein;
- (b) commits theft in respect of or dishonestly misappropriates or secretes any postal article in the course of transmission by post or anything contained therein;
- (c) except in obedience to an order under the hand of the Minister or the direction of a court, wilfully opens or causes to be opened contrary to his duty any mail bag or postal article in the course of transmission by post or wilfully detains or delays or causes to be detained or delayed the mail bag or postal article;
- (d) issues or causes to be issued a document specified for use in connection with the remittance of money with fraudulent intent;
- (e) fraudulently puts any wrong official mark on a postal article;
- (f) fraudulently alters, removes or causes to disappear any official mark on a postal article; or
- (g) being entrusted with the delivery of any postal article, knowingly demands or receives any sum of money which is not chargeable under this Act,

shall be guilty of an offence and shall be liable on conviction for —

- (i) an offence under paragraph (a), (b), (c) or (d) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both; and
- (ii) an offence under paragraph (e), (f) or (g) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Fraudulent sending of postal article

35. Any person who sends any postal article bearing any facsimile, imitation or representation of postage stamps or purporting to be prepaid with any postage stamp which has previously been used to prepay any other postal article or which has otherwise been previously used shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Fraudulent retention of postal article

36.—(1) Any person who —

- (a) except in accordance with this Act or unless authorised by a public postal licensee, wilfully retains or secretes or makes away with or keeps or detains or, when required by an employee of a public postal licensee, neglects or refuses to deliver up in the course of transmission by post any postal article or any mail bag containing any postal article; or
- (b) except in accordance with this Act or unless authorised by a public postal licensee, wilfully opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Nothing in subsection (1) (b) shall apply to a person who does any act to which that subsection applies where he is a parent, or in the position of a parent or guardian, of the person to whom the letter is addressed and the addressee is a minor or his ward.

Penalty for sending anything indecent, etc., by post

37. Any person who sends by post —

- (a) any indecent or obscene article or any postal article having any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character;

- (b) anything which is likely to damage any postal article in the course of transmission by post or any postal equipment or injure any employee or agent of a public postal licensee; or
- (c) except as otherwise provided by any regulations made under this Act, any explosive, inflammable, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected or any living creature which is noxious or likely to damage any postal article in the course of transmission by post or any postal equipment or to injure any employee or agent of a public postal licensee,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Penalty for making any facsimile, imitation or representation of any postage stamp, etc.

38.—(1) No person shall —

- (a) make, deal in, distribute or sell;
- (b) knowingly use for postal purposes or for the purpose of remitting or paying any money;
- (c) have in his possession without any lawful excuse; or
- (d) make or, without any lawful excuse, have in his possession, any die, plate, instrument or material for making,

any facsimile, imitation or representation of any postage stamp or any document used by a public postal licensee in connection with the remittance or payment of money.

(2) No person shall make, issue or send by post any stamped or embossed envelope, wrapper, card, form or paper in imitation of one issued by a public postal licensee.

(3) Any person who contravenes or fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Any stamp, die, plate, instrument or material found in the possession of any person who has contravened or failed to comply with subsection (1) or (2) may be seized by any employee of the public postal licensee and forfeited by a Magistrate's Court, and shall be dealt with as the Court directs.

Penalty for erasure of mark denoting used postage stamp

39. Any person who, with fraudulent intent, erases or removes from a postage stamp any mark put or impressed upon the postage stamp denoting that the same has been used, or sells or uses any such postage stamp for postal purposes shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

PART VI**INTERNATIONAL OBLIGATIONS AND
NATIONAL INTERESTS****Right to conduct international business dealings**

40. For the purposes of the conduct of any international postal service by a public postal licensee, and subject to this Act, the licensee may enter into direct communication, arrangement and agreement with the lawfully constituted postal authority of any country or with any duly authorised international agency or organisation concerned with postal matters for the purpose of providing facilities, fixing rates, arranging terms of payment or accounting, for operational, engineering or administrative purposes or for any other purpose necessary for the proper fulfilment of its functions.

Government's overriding international rights

41. Nothing in section 40 shall be deemed to abrogate the right of the Government at any time to determine its relations with any country or with any international agency or organisation and a public postal licensee shall so discharge its responsibilities and conduct its business as to comply with and fulfil all international agreements, conventions or undertakings relating to postal matters to which Singapore is a party.

Liability for international financial obligations

42. A public postal licensee shall be fully responsible for meeting all financial obligations arising from the operation of any international postal service and shall settle accounts with other postal authorities.

Contribution by Government

43. Where the Government considers it necessary that any postal service of an exceptional nature should be provided, and where a public postal licensee considers it uneconomic to provide the service without contribution from the Government, the Government may make such contribution towards the capital outlay necessary to provide any such service as may be estimated by the licensee and agreed to by the Government.

Provision of postal services for governmental, etc., purposes

44. The Minister may direct a public postal licensee to undertake and provide such postal services and facilities as may be necessary for aeronautical, maritime, meteorological, governmental, defence or other purposes and upon being so directed, the licensee shall so provide the services or facilities and shall be entitled to fair and proper payment therefor.

Directions by Minister

45.—(1) The Minister may, after consultation with the Postal Authority or a public postal licensee, give to the Postal Authority or that licensee such directions as the Minister thinks fit as to the exercise by the Postal Authority or that licensee of its functions under this Act.

(2) Without prejudice to subsection (1), if it appears to the Minister to be requisite or expedient to do so —

- (a) on the occurrence of any public emergency, in the public interest or in the interests of public security, national defence, or relations with the government of another country; or
- (b) in order —
 - (i) to discharge or facilitate the discharge of an obligation binding on the Government by virtue of its being a member of an international organisation or a party to an international agreement;
 - (ii) to attain or facilitate the attainment of any other object the attainment of which is in the opinion of the Minister requisite or expedient in view of the

Government being a member of an international organisation or a party to an international agreement; or

- (iii) to enable the Government to become a member of an international organisation or a party to an international agreement,

the Minister may, after consultation with the Postal Authority or a public postal licensee, give such directions to the Postal Authority or that licensee as are necessary in the circumstances of the case.

(3) Any directions given under subsection (1) or (2) may include —

- (a) provisions for the interception or detention of any postal article in the course of transmission by post; and
- (b) provisions for the postal article to be delivered to any officer mentioned in the direction to be dealt with in such manner as the Minister may direct.

(4) The Postal Authority and any public postal licensee shall give effect to any directions given to it under subsection (1) or (2) notwithstanding any other duty imposed on the Postal Authority or that licensee by or under this Act.

(5) The Postal Authority and any public postal licensee shall not disclose any directions given to that person under subsection (1) or (2) if the Minister notifies that person that the Minister is of the opinion that the disclosure of the directions is against the public interest.

(6) The Minister may make grants to public postal licensees for defraying or contributing towards any losses which they may sustain by reason of their compliance with the directions of the Minister under any provision of this section.

(7) Any sums required by the Minister for making grants under subsection (6) shall be paid out of the Consolidated Fund.

(8) If any doubt arises as to the existence of a public emergency or as to whether any act done under this section was in the public interest or in the interests of public security, national defence or relations with the government of another country, a certificate signed by the Minister shall be conclusive evidence of the matters stated therein.

PART VII

ENFORCEMENT POWERS AND PROCEDURES

Furnishing of information

46.—(1) The Postal Authority or any officer of the Postal Authority authorised in that behalf may, for the purpose of discharging its functions under this Act, by order —

- (a) require any person to furnish the Postal Authority with any information in his possession which relates to any postal service or postal system; and
- (b) require any person who has in his custody or under his control any document which relates to any postal service or postal system —
 - (i) to furnish the Postal Authority with a copy of or extract from the document; or
 - (ii) unless the document forms part of the records or other documents of a court or public authority, to transmit the document itself to the Postal Authority for its inspection.

(2) The Postal Authority or any officer authorised by it in that behalf shall be entitled without payment to keep any copy or extract furnished to the Postal Authority under subsection (1).

(3) The Postal Authority or any officer authorised by it in that behalf shall at all reasonable times in the day have full and free access to all buildings, places, books, documents and other papers for the purpose of discharging the Postal Authority's functions under this Act, and may, without payment, inspect, copy or make extracts from any such books, documents or papers.

(4) The Postal Authority or any officer authorised by it in that behalf may take possession of any books, documents or papers where in the opinion of the Postal Authority —

- (a) the books, documents or papers may be interfered with or destroyed unless possession is taken; or
- (b) the books, documents or papers may be required as evidence in proceedings for an offence under this Act or any regulations made thereunder.

(5) The rights conferred by this section shall, in relation to information recorded otherwise than in legible form, include the right to require the information to be made available in legible form for inspection or for a copy or extract to be made of or from it.

(6) Any person who —

- (a) fails to comply with any requirement specified in any order under subsection (1);
- (b) intentionally alters, suppresses or destroys any document which he has been required under subsection (1) to furnish or transmit; or
- (c) in furnishing any information required of him under subsection (1), makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part thereof during which the offence continues after conviction.

(7) No person shall by virtue of this section be obliged to disclose any particulars as to which he is under any statutory obligation to observe secrecy.

Powers of arrest and search in respect of seizable offences

47.—(1) Any officer of the Postal Authority deputed by the Postal Authority to act under this section or any police officer may arrest without warrant —

- (a) any person found committing or attempting to commit or employing or aiding any person to commit a seizable offence under this Act; or
- (b) any person against whom a reasonable suspicion exists that he has been guilty of a seizable offence under this Act,

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

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

(3) For the purposes of this section, offences punishable under sections 28, 31, 34 (a), (b), (c) and (d) and 35 to 39 shall be deemed to be seizable offences within the meaning of the Criminal Procedure Code (Cap. 68).

Powers of search and arrest in respect of offences under section 33

48.—(1) Whenever it appears to any police officer or any officer of the Postal Authority authorised to act for it under this section that an offence under section 33 is being committed or is about to be committed or attempted or whenever it appears that any article is concealed or deposited or contained in or on any vessel, aircraft or vehicle or premises in contravention of those sections, the police officer or the officer of the Postal Authority may, if he has reasonable grounds for believing that by reason of the delay in obtaining a search warrant the article is likely to be removed —

- (a) stop and examine the vessel, aircraft or vehicle or enter the premises and there search for and take possession of any article and of any book or document which is reasonably believed to have a bearing on the case; and
- (b) arrest any person being in the vessel, aircraft or vehicle or premises in whose possession the article may be found or whom the police officer or the officer or employee of the Postal Authority may reasonably suspect to have concealed or deposited the article and may search any person so arrested, except that no female shall be searched except by a female.

(2) Every person so arrested shall, together with any such article, be taken to a police station.

Obstruction of police officer or officer of Postal Authority

49. Any person who intentionally obstructs a police officer or any officer of the Postal Authority authorised to act for the Postal Authority in the execution of his duty under section 48 shall be guilty of an offence.

No costs or damages or other relief arising from seizure to be recoverable unless seizure without reasonable or probable cause

50. No person shall, in any proceedings before any court in respect of any equipment, article, book or document seized in the exercise or

the purported exercise of any power conferred under this Act, be entitled to the costs of the proceedings or to any damages or other relief other than an order for the return of the equipment, article, book or document or the payment of their value unless the seizure was made without reasonable or probable cause.

Composition of offences

51.—(1) Any police officer not below the rank of sergeant specially authorised by name in that behalf by the Minister, or any officer or employee of the Postal Authority specially authorised by name in that behalf by the Postal Authority may, in his discretion, compound any such offence under this Act or any regulations made thereunder as may be prescribed as being an offence which may be compounded by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

(2) The Postal Authority may, with the approval of the Minister, make regulations prescribing the offences which may be compounded.

(3) All sums collected under this section shall be paid to the Postal Authority.

General penalties

52. Any person guilty of an offence under this Act or any regulations made thereunder for which no penalty is expressly provided shall, in addition to the forfeiture of any article seized, be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Saving of prosecutions under other written laws

53. Nothing in this Act shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act or any regulations made thereunder, or from being liable under that other written law to any punishment or penalty higher or other than that provided by this Act or the regulations, but no person shall be punished twice for the same offence.

Jurisdiction of Courts

54. A Magistrate's Court or a District Court shall have jurisdiction to hear and determine all offences under this Act and, notwithstanding anything to the contrary in the Criminal Procedure Code

(Cap. 68), shall have power to impose the full penalty or punishment in respect of any offence under this Act.

Offences by bodies of persons

55. Where an offence under this Act or any regulations made thereunder has been committed by a company, firm, society or other body of persons, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in such capacity shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

PART VIII

GENERAL PROVISIONS

Appeal to Minister

56.—(1) Any postal licensee aggrieved by —

- (a) any decision of the Postal Authority in the exercise of any discretion vested in the Postal Authority by or under this Act; or
- (b) anything contained in any code of practice or standard of performance or any direction of the Authority given under section 25,

may appeal to the Minister in the prescribed manner.

(2) Unless otherwise provided, where an appeal is lodged under this section, the decision, direction or other thing appealed against shall be complied with until the determination of the appeal.

(3) The Minister may determine an appeal under this section by confirming, varying or reversing any decision or direction of the Postal Authority or by amending any code of practice or standard of performance.

(4) The decision of the Minister in any appeal shall be final.

Exclusion of liability of public postal licensees

57.—(1) A public postal licensee shall not be liable in respect of any injury, loss or damage suffered by any person by reason of —

- (a) any loss, misdelivery or delay of or damage to any postal article in the course of transmission by post;
- (b) any failure to provide or delay in providing any postal service or any equipment associated therewith or service ancillary thereto;
- (c) any failure, interruption, suspension or restriction of any postal service or service ancillary thereto or delay of, or fault in, any communication by post;
- (d) any loss of secrecy in communication arising from the use of any postal service; or
- (e) any wrong payment or delay in payment in connection with any remittance of money through the public postal licensee or any other irregularity in the document used in connection with the remittance,

which is due to the act or default of another person, or an accident or some other cause beyond the control of the public postal licensee.

(2) Notwithstanding subsection (1), in the event of the loss of or damage to any article enclosed in or forming part of a parcel or an insured postal article, or the loss of any registered postal article while in the custody of a public postal licensee, the licensee may pay an indemnity in accordance with the provisions of the Convention regulating the affairs of the Universal Postal Union or any international agreement to which Singapore is a party.

Exemption from distress and attachment

58.—(1) The installation or plant used for posts of a public postal licensee shall not be subject to distress or be liable to be taken in execution under any process of a court in any bankruptcy or insolvency proceedings against any person without the prior approval of the Minister in writing.

(2) Every installation or plant used for posts placed under, over, along, across, in or upon any property by a public postal licensee shall remain the property of the licensee whether or not it has become in whole or in part a fixture.

Service of documents

59.—(1) Unless otherwise expressly provided in this Act, any notice, order or document required or authorised by this Act or any regulations made thereunder to be given or served on any person, and any summons issued by a court in connection with any offence under this Act or any regulations made thereunder may be served on the person concerned —

- (a) by delivering it to the person or to some adult member or employee of his family at his last known place of residence;
- (b) by leaving it at his usual or last known place of residence or place of business in a cover addressed to him;
- (c) by affixing it to some conspicuous part of his last known place of residence;
- (d) by sending it by registered post addressed to the person at his usual or last known place of residence or place of business; or
- (e) where the person is a body corporate —
 - (i) by delivering it to the secretary or other like officer of the body corporate at its registered or principal office; or
 - (ii) by sending it by registered post addressed to the body corporate at its registered or principal office.

(2) Any notice, order, document or summons sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person to whom the letter is addressed at the time when the letter would, in the ordinary course of post, be delivered and in proving service of the same it shall be sufficient to prove that the envelope containing the notice, order, document or summons was properly addressed, stamped and posted by registered post.

Exemption by Minister

60. The Minister may exempt any person or class of persons from all or any of the provisions of this Act.

Regulations

61.—(1) The Postal Authority may, with the approval of the Minister, make regulations for any purpose for which regulations are

required to be made under this Act and generally for carrying out the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Postal Authority may, with the approval of the Minister, make regulations for or with respect to all or any of the following matters:

- (a) the classes and the conditions for the grant of licences by the Postal Authority;
- (b) the acceptance, transmission by post, detention and disposal of postal articles;
- (c) the supply, sale and use of postage stamps;
- (d) the manufacture, sale or supply of franking machines;
- (e) the limit of amount of money that may be remitted through a public postal licensee and the manner and conditions under which such money may be remitted;
- (f) the articles or things which may not be transmitted by post;
- (g) the types of articles not to be treated as letters;
- (h) the manner of receiving, delivering, collecting and distributing mail bags and postal articles;
- (i) the conditions and restrictions for the payment of indemnity for the loss of or damage to postal articles where indemnity is payable under this Act;
- (j) the registration of postal articles and the cases where insurance of postal articles may be required.

Savings and transitional provisions

62.—(1) Any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved by the TAS under the repealed Act in relation to postal matters shall, so far as it is not inconsistent with the provisions of this Act and except as otherwise expressly provided in this Act or in any other written law, continue and be deemed to have been prepared, made, granted or approved by the Postal Authority under the corresponding provisions of this Act.

(2) Any subsidiary legislation made under the repealed Act or any other written law relating to postal matters and in force immediately before the appointed day shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or repealed by subsidiary legislation made under this Act.

Consequential amendments

63.—(1) Section 115 of the Bankruptcy Act (Cap. 20) is amended —

- (a) by deleting the words “Telecommunication Authority of Singapore Act” and substituting the words “Postal Services Act 1999”; and
- (b) by deleting the marginal reference “Cap. 323”.

(2) Part III of the Fifth Schedule to the Exchange Control Act (Cap. 99) is amended by deleting the words “Telecommunication Authority of Singapore Act” in paragraph 8 and substituting the words “Postal Services Act 1999”.

(3) The Goods and Services Tax Act (Cap. 117A) is amended by deleting the words “Telecommunication Authority of Singapore Act (Cap. 323)” wherever they appear in section 26 (3) (b) and paragraph 7 in the Third Schedule and substituting in each case the words “Postal Services Act 1999”.

(4) Section 10 (2) of the Kidnapping Act (Cap. 151) is amended by deleting the words “Telecommunication Authority of Singapore Act (Cap. 323)” and substituting the words “Postal Services Act 1999 and the Telecommunications Act 1999, respectively”.
