

Acts Supplement (Original Principal Acts)



LAWS OF MALAYSIA

ACT 211

Post Office Act 1947 (Revised - 1978)

First Enacted Date: Enacted in 1947 as Ordinance No. 34 of 1947.
 Date of coming into operation: West Malaysia - 1st January, 1947;
 Revised up to: 1st February, 1978
 Date of publication in the Gazette of Revised Edition: 26th October, 1978
 Date of coming into operation of Revised Edition: 15th November, 1978

ARRANGEMENT OF SECTIONS

Long Title

PART I - PRELIMINARY

Section 1. Short title.
 Section 2. Interpretation.
 Section 3. Meaning of "in course of transmission by post" and "delivery".

PART II - ESTABLISHMENT

Section 4. Post offices.
 Section 5. Receiving boxes.
 Section 6. Appointment of Director General and postal officers.
 Section 7. Powers of postal officers.
 Section 8. Declaration to be made by postal officers.
 Section 9. Powers of Director General to appoint other officers to perform his duties and to act as his deputies. Section
 10. Postal officers exempt from service as jurors.
 Section 11. Uniform for postal employees.

PART III - PRIVILEGE AND PROTECTION OF THE GOVERNMENT

Section 12. Exclusive privilege of Director General.
 Section 13. No letter to be conveyed except by post.
 Section 14. Exemption from liability for loss, misdelivery, delay or damage.

PART IV - POSTAGE

Section 15. Power to fix rates of postage.

1/4

Section 16. Power to make rules as to payment of postage and fees in certain cases.
 Section 17. Articles posted by mistake.

Unpaid and Refused Postal Articles

Section 18. Liability for payment of postage.
 Section 19. Recovery of postage and other fees or sums due in respect of postal articles.
 Section 20. Post office marks to be prima facie evidence of certain facts denoted.
 Section 21. Official mark to be evidence of amount of postage due.

PART V - POSTAGE STAMPS

Section 22. Provision of postage stamps and power to make rules as to them.
 Section 23. Postage stamps to be deemed to be stamps for the purpose of revenue.

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 24. Power to make rules as to transmission by post of postal articles.
 Section 25. Liability for the loss of postal articles.
 Section 26. Re-delivery to sender of postal article in course of transmission by post.
 Section 27. Transmission by post of anything injurious, etc., prohibited.
 Section 28. Transmission by post of anything indecent, etc., prohibited.
 Section 29. Minister to make rules dealing with prohibited articles.
 Section 30. Power to postpone despatch or delivery of certain postal articles.
 Section 31. Power to deal with postal articles posted in contravention of Act.
 Section 32. Prohibited articles may be destroyed.
 Section 33. Extension of sections 27, 28, 29, 31 and 32.
 Section 34. Inspection of postal articles suspected to be of a fraudulent nature.
 Section 35. Power to deal with postal articles in respect of which an offence is being committed.
 Section 36. Power to intercept postal articles for public good.
 Section 37. Detention of articles containing seditious matter.
 Section 38. Power to deal with postal articles from abroad bearing fictitious or previously used stamps.
 Section 39. Payment of compensation for loss or damage of articles sent by parcel post.

PART VII - REGISTRATION AND INSURANCE

Section 40. Registration of postal articles.
 Section 41. Power to make rules as to registration.
 Section 42. Insurance of postal articles.
 Section 43. Power to require insurance of postal articles.
 Section 44. Power to make rules as to insurance.
 Section 45. Power to pay compensation in respect of postal articles insured.

PART VIII - CASH ON DELIVERY

Section 46. Cash on delivery postal articles.
 Section 47. Power to make rules as to cash on delivery postal articles.

PART IX - UNDELIVERED POSTAL ARTICLES

Section 48. Power to make rules as to disposal of undelivered postal articles.

PART X - MAILS CONVEYED BY VESSELS

Section 49. Duty of master of vessel departing from any port in Malaysia and not being a contract packet to convey mail bags.
 Section 50. Duty of master of vessel arriving at any port in Malaysia in respect of postal articles and mail bags on board.
 Section 51. Notice to be given to post office of departure of vessel.
 Section 52. Receipt of postal articles on board by officer of the Postal Department or master of vessel.
 Section 53. Liabilities to masters or owners of vessels for conveyance of mail bags and postal articles generally.

PART XI - MONEY AND POSTAL ORDERS

Section 54. Power to maintain money order system and to make rules as to remittance thereby.
 Section 55. Power for remitter to recall money order or alter name.
 Section 56. Power to provide for issue of postal orders.

2/4

Section 57. Recovery of money order or postal order paid to the wrong person.
 Section 58. Exemption from liability in respect of money orders and postal orders.
 Section 59. Money orders and postal orders to be deemed valuable securities.

PART XII - PENALTIES AND PROCEDURE

Offences by Officers of the Postal Department

Section 60. Penalty for misconduct of person employed to carry or deliver mail bags or postal articles.
 Section 61. Penalty for voluntary withdrawal from duty, without permission.
 Section 62. Penalty for making false entry in register kept by person employed to carry or deliver postal articles.
 Section 63. Penalty for theft, dishonest misappropriation, secretion, destruction or throwing away of postal articles.
 Section 64. Penalty for opening, detaining or delaying postal articles.
 Section 65. Penalty for fraud in connection with official marks and for recolor of excess postage.
 Section 66. Penalty for fraudulently opening, altering, secreting or destroying documents.
 Section 67. Penalty for fraudulently sending unmail postal articles.
 Section 68. Penalty for money orders issued with fraudulent intent.

Other Offences

Section 69. Penalty for contravention of section 12.
 Section 70. Penalty for breach of rules under section 22.
 Section 71. Penalty for contravention of section 27 or 28.
 Section 72. Penalty for defiling or injuring Postal Department letter boxes.
 Section 73. Penalty for affixing without authority anything to or disfiguring post office.
 Section 74. Penalty for making false declaration.
 Section 75. Penalty for master of vessel failing to comply with sections 48, 50 and 52.
 Section 76. Penalty for failure to comply with section 51.
 Section 77. Penalty for detention of letters on board vessel arriving in port.
 Section 78. Penalty for detaining mails or opening mail bags.
 Section 79. Penalty for retaining postal articles delivered or mail bags.
 Section 80. Penalty for unlawfully diverting letters.
 Section 81. Penalty for unlawfully disclosing contents of postal article.
 Section 82. Penalty for making fictitious stamps.
 Section 83. Penalty for offences specially provided for.
 Section 84. Penalty for abetting, or attempting to commit, offences.
 Section 85. Property in cases of offences to be held in Director General.
 Section 86. Postal officer how to be described.
 Section 87. Respects to informers.
 Section 88. Trial of offences.
 Section 89. Power of Director General to compound certain offences.
 Section 90. Powers of arrest and search in respect of seizeable offences.
 Section 91. Powers of search and arrest in respect of offences against sections 12 and 13.
 Section 92. Power to prosecute.
 Section 93. Prohibition of false notice as to reception of letters.
 Section 94. Obstruction of officers of the post office.

PART XIII - DUTIABLE GOODS IMPORTED OR EXPORTED BY POST

Section 95. Application of Customs Act.
 Section 96. Examination of postal articles.
 Section 97. Forfeiture of postal articles containing undeclared dutiable goods.
 Section 98. Payment of duty.
 Section 99. Presumption as to importer.
 Section 100. Postal articles to and from Penang or Labuan.

PART XIV - GENERAL

Section 101. The Minister may delegate certain powers to Director General.
 Section 102. General power to make rules and provisions as to rules.
 Section 103. Passing of property and liabilities on appointment of Director General.
 Section 104. Transfer of powers, rights and duties.
 Section 105. Exemption of Director General from stamp duty.
 Section 106. Regal.

FIRST SCHEDULE [Section 8]
 SECOND SCHEDULE [Section 106]

LIST OF AMENDMENTS

ACT 211

Post Office Act 1947 (Revised - 1978)

PART I - PRELIMINARY

Section 1. Short title.

This Act may be cited as the **Post Office Act, 1947**.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART I - PRELIMINARY

Section 2. Interpretation.

In this Act -

"clubbed packet" means a postal article containing a collection of letters made by any person not being an officer of the Postal Department transmitted through the Postal Department, with a view to the enclosed letters being delivered to more than one person through the agent of the person by whom the packet was made up;

"contract packet" means any vessel, including an aeroplane or an airship, for the conveyance of mails pursuant to a contract or continuing arrangement;

"Director General" means the officer appointed to be the Director General of Post under section 6;

[Sub. F.M. Ord. 29/53;Am. P.U. (B) 324/70]

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

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

"master of a vessel" means any person for the time being in charge or command of a vessel, but does not include a sea pilot;

"officer of the Postal Department" includes any person employed in any business of the Postal Department or on behalf of the Postal Department;

"port" means any place declared to be a port under any written law relating to ports or harbours in force in any part of Malaysia;

"post office" includes every house, building, room, vessel, carriage or place used for the purposes of the Postal Department and every letter box provided by the Postal Department for the reception of postal articles;

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

"postage stamp" means any label or stamp for denoting any rate of postage fee or other sum payable in respect of a postal article, and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, postcard or other article, whether such postage stamp is issued under this Act or the Post Office Ordinances of Sabah and Sarawak [*Sabah Cap. 104. Sarawak Cap. 132*] repealed by this Act or by the government of any other country.;

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

"Postal Department" means the Postal Services Department presided over by the Director General;

"vessel" means any ship or other vessel, including aeroplane or airship, not being a contract packet.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART I - PRELIMINARY

Section 3. Meaning of "in course of transmission by post" and "delivery".

For the purposes of this Act -

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

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

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART II - ESTABLISHMENT

Section 4. Post offices.

(1) All post offices heretofore established in Malaysia shall be deemed to be established under this Act.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART II - ESTABLISHMENT

Section 5. Receiving boxes.

The Director General may provide in such places as he may deem expedient receiving boxes for the deposit of postal articles and shall cause the boxes to be cleared as often as public convenience may reasonably require.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART II - ESTABLISHMENT

Section 6. Appointment of Director General and postal officers.

The Yang di-Pertuan Agong may appoint for the postal services of Malaysia a Director General of Post and such other officers under such official designations as he may deem expedient.

[*Sub. F.M. Ord. 29/53.*]

ACT 211

Post Office Act 1947 (Revised - 1978)

PART II - ESTABLISHMENT

Section 7. Powers of postal officers.

The Director General and all other officers of the Postal Department shall have all the powers and privileges hereby conferred upon the holders of their respective offices.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART II - ESTABLISHMENT

Section 8. Declaration to be made by postal officers.

No person shall be capable of holding any office in the Postal Department unless he shall have first made and subscribed before a President of a Sessions Court, a Magistrate or a Commissioner for Oaths the declaration contained in the First Schedule or shall have been excused by the Director General from making or subscribing such declaration.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART II - ESTABLISHMENT

Section 9. Powers of Director General to appoint other officers to perform his duties and to act as his deputies.

(1) If, during any period, owing to his absence or in ability to act from illness or any other cause, the Director General is unable to exercise the powers and duties conferred upon him by this Act, then, subject to section 6 and to any appointment made by the Yang di-Pertuan Agong under section 52(2) of the Interpretation Act, 1967, all the said duties and powers shall be conferred and imposed upon such other officer of the Postal Department as the Director General shall from time to time appoint in writing.

[Sub. F.M. Ord. 29/53.]

(2) For the purpose of this Act, the Director General may appoint, in writing, officers to act as his deputies and any officer so appointed shall have and may exercise the powers and shall perform the duties by this Act conferred generally or for particular purposes as the Director General may direct.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART II - ESTABLISHMENT

Section 10. Postal officers exempt from service as jurors.

Notwithstanding anything to the contrary in any written law, no officers of the Postal Department shall be liable to serve on any jury or inquest.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART II - ESTABLISHMENT

Section 11. Uniform for postal employees.

The Director General may prescribe a uniform dress to be worn by employees of the Postal Department.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART III - PRIVILEGE AND PROTECTION OF THE GOVERNMENT

Section 12. Exclusive privilege of Director General.

(1) Whenever posts or postal communications are established by the Government, the Director General, by himself or by the officers of his Department, shall have the exclusive privilege of -

- (a) conveying by post from one place to another, whether by land, or by sea or by air, all letters and postcards;
- (b) performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters and postcards.

except letters and postcards falling within the following categories, that is to say -

- (A) letters or postcards or letters and postcards not exceeding three in number sent by a private friend on his way, journey or travel, for delivery by such friend to the person or persons to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them;
- (B) letters or postcards solely concerning the affairs of the sender or receiver thereof, sent by a messenger employed for that purpose;
- (C) letters or postcards solely concerning goods or other property, sent either by sea or by land or by air to be delivered with the goods or property which such letters or postcards concern, without hire, reward or other profit or advantage for receiving, carrying or delivering them: provided that such letters or postcards are open to inspection and have superscribed thereon the words "Consignee's letter" or other words to the same effect.

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

(3) Subject as aforesaid, the following persons are expressly forbidden to collect, carry, tender or deliver letters or postcards or to receive letters or postcards for the purpose of carrying or delivering the same, although they receive no hire, reward or other profit or advantage for so doing:

- (a) common carriers of passengers or goods and their drivers, servants or agents except as regards letters or postcards solely concerning goods in their carriages or conveyances;
- (b) owners, masters or chin-chews of contract packets or vessels passing to or from any port or place within Malaysia from or to any port or place within or without Malaysia, and their servants or agents, except as regards letters or postcards solely concerning goods on board, such letters or postcards being open to inspection and having the words "Consignee's letter" or other words to the same effect, superscribed thereon, and except letters or postcards tendered to a master of a contract packet or vessel by any officer of the Postal Department for conveyance or letters or postcards received under section 52 (2);
- (c) passengers or other persons on board such contract packets or vessels.

(4) Notwithstanding anything contained in this section, the Director General may grant a licence to any person to collect letters for transmission to China and Hong Kong and to receive clubbed packets from China and Hong Kong through the Postal Department. Such collection and receipt of letters and clubbed packets and the form and conditions of such licences together with the procedure to be followed and fees to be collected in connection therewith shall be such as the Minister may by rules prescribe.

[Am. F.M. Ord. 20/51.]

ACT 211

Post Office Act 1947 (Revised - 1978)

PART III - PRIVILEGE AND PROTECTION OF THE GOVERNMENT

Section 13. No letter be conveyed except by post.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART III - PRIVILEGE AND PROTECTION OF THE GOVERNMENT

Section 14. Exemption from liability for loss, misdelivery, delay or damage.

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART IV - POSTAGE

Section 15. Power to fix rates of postage.

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

(2) The Minister may, by notification published in the *Gazette*, declare what articles may be sent by post as newspapers, printed matter and small packets within the meaning of this Act.

[Am. Act A204.]

ACT 211

Post Office Act 1947 (Revised - 1978)

PART IV - POSTAGE

Section 16. Power to make rules as to payment of postage and fees in certain cases.

The Minister may, by notification in the *Gazette*, make such rules as may be necessary for carrying out this Part and, without prejudice to the generality of that power, may make rules for -

- (a) the prepayment of postage on postal articles or any class of postal articles and for the manner in which prepayment is to be made,.
- (b) the franking of official postal articles;
- (c) late fees;
- (d) fines to be charged on postal articles when the postage is not prepaid or is insufficiently prepaid;
- (e) the redirection of postal articles and the transmission by post of articles so redirected, either free of charge or subject to such further charge as may be specified in the rules;
- (f) the transmission of newspapers by post;
- (g) the fees to be charged for the "express delivery" (that is delivery by means of a special messenger or conveyance) of postal articles, in addition to or instead of any other postage chargeable thereon under this Act;
- (h) the fees to be charged for private boxes, window delivery, locked bags and posting books; and
- (i) the fee to be charged for a licence to collect letters for transmission to China and Hong Kong and to receive packages of letters from China and Hong Kong, and a rule made under this paragraph may be given retrospective effect.

Am. F.M. Ord. 20/51.]

ACT 211

Post Office Act 1947 (Revised - 1978)

PART IV - POSTAGE

Section 17. Articles posted by mistake.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART IV - POSTAGE

Section 18. Liability for payment of postage.

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

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART IV - POSTAGE

Section 19. Recovery of postage and other fees or sums due in respect of postal articles.

(1) If any person refuses to pay any postage or other fee or sum due from him in respect of any postal article, the Director General or any officer in charge of a post office may withhold from the person so refusing any postal article addressed to that person, not bearing the official superscription "Urusan Seri Paduka Baginda" or "On Government Service", until such postage or other fee or sum due has been paid or recovered.

(2) The fee or sum so due may be recovered from such person for the use of the Postal Department on the application of any officer of the Postal Department, authorised in this behalf by the written order of the Director General or his deputy, as if it were a fine imposed under this Act by a Magistrates' Court having jurisdiction where such person is for the time being resident.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART IV - POSTAGE

Section 20. Post office marks to be prima facie evidence of certain facts denoted.

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART IV - POSTAGE

Section 21. Official mark to be evidence of amount of postage due.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART V - POSTAGE STAMPS

Section 22. Provision of postage stamps and power to make rules as to them.

(1) The Minister may cause postage stamps to be provided of such kinds and denoting such values as he may think necessary for the purposes of this Act.

(2) The Minister may make rules as to the supply, sale and use of postage stamps.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may -

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

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

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

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

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

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

(g) enable any valid postage stamps bearing any of the expressions "Malaya", "Federation of Malaya", "Persekutuan Tanah Melayu", "North Borneo", "Sabah", "Sarawak" or "Malaysia" to be used for postal purposes throughout Malaysia.

[Sub. P.U. 469/66.]

ACT 211

Post Office Act 1947 (Revised - 1978)

PART V - POSTAGE STAMPS

Section 23. Postage stamps to be deemed to be stamps for the purpose of revenue.

Postage stamps provided under section 22 shall be deemed to be stamps issued by Government for the purpose of revenue within the meaning of the Penal Code [*F.M.S. Cap. 45*], and, subject to this and to any rules made thereunder, shall be used for the prepayment of postage or other fees or sums chargeable under this Act in respect of postal articles, except where the Minister directs that pre-payment shall be made in some other way.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 24. Power to make rules as to transmission by post of postal articles.

(1) The Minister may make rules as to the transmission by post of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power such rules may -

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

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

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

(d) regulate the collection of letters for transmission to China and Hong Kong in clubbed packets and the receipt of clubbed packets from China and Hong Kong; and

[Am. F.M. Ord. 20/51.]

(e) prohibit the transmission by post of postal articles not specified in section 28 or lay down special conditions on which articles, not specified in section 28, may be transmitted by post.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 25. Liability for the loss of postal articles.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 26. Re-delivery to sender of postal article in course of transmission by post.

(1) The Minister may by rules provide for the re-delivery to the sender without reference to the consent of the addressee and subject to such terms and conditions (if any) as may be deemed fit, of any postal article in course of transmission by post.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 27. Transmission by post of anything injurious, etc., prohibited.

- (1) No person shall send by post any article or thing which is likely to injure postal articles in course of transmission by post or any officer of the Postal Department.
- (2) Except as otherwise provided by rules made under this Act and subject to such conditions as may be prescribed, no person shall send by post any explosive, inflammable, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure postal articles in course of transmission by post or any officer of the Postal Department.
- (3) Except under such rules as the Minister may make in this behalf, no person shall send by post opium, morphine, cocaine or any narcotic.
- (4) Nothing in this section shall affect the provisions of any written law relating to deleterious drugs.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 28. Transmission by post of anything indecent, etc., prohibited.

No person shall send by post -

- (a) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article;
- (b) any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character;
- (c) any postal article bearing any fictitious stamps or purporting to be prepaid with any postage stamp which has previously been used to prepay any other postal article or which has been previously used in payment of any stamp duty;
- (d) correspondence containing any public lottery ticket or any advertisement of prizes or any other announcement relating to any public lottery, sweepstake or other gambling transaction; or
- (e) any other article which the Minister may by rule prohibit.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 29. Minister to make rules dealing with prohibited articles.

The Minister may make such rules as he shall think fit for preventing the sending and delivery of articles prohibited by section 27 or 28 and for detaining, disposing of, or destroying any such postal article sent or tendered for transmission by post.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 30. Power to postpone despatch or delivery of certain postal articles.

(1) When the despatch or delivery from a post office of letters would be delayed by the despatch or delivery therefrom at the same time of newspapers, printed matter, small packets and parcels, or any of them, such newspapers, printed matter, small packets and parcels, or any of them, may, subject to such rules as the Minister may make in this behalf, be detained in the Postal Department so long as may be necessary.

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

[Am. Act A204.]

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 31. Power to deal with postal articles posted in contravention of Act.

(1) Any postal article sent by post which is suspected by the Director General or his deputy to be sent in contravention of this Act or of any rules thereunder may be detained and opened in the post office in the presence of the Director General or his deputy and shall either be returned to the sender or forwarded to its destination, in each case charged with such additional postage (if any) as the Minister prescribes unless otherwise dealt with under sections 32, 35, 36, 37 and 38.

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

[Am. Act A204.]

Decision as to postal packets.

(3) If any question arises whether any postal article is a letter or any other description of postal article within the meaning of this Act, or any subsidiary legislation made under this Act, the decision thereon of the Director General shall be final.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 32. Prohibited articles may be destroyed.

(1) Any postal article sent by post in contravention of section 27 may, under the authority of the Director General or his deputy, if necessary, be opened and destroyed.

(2) Any postal article sent by post in contravention of section 28 (a), (b), (d) or (e) may, under the authority of the Director General or his deputy, be destroyed or returned to the sender.

(3) Any postal article sent by post in contravention of section 28 (c) shall be sent to the office of the Director General and be dealt with as he may direct.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 33. Extension of sections 27, 28, 29, 31 and 32.

Sections 27, 28, 29, 31 and 32 shall apply to any article or thing sent from without Malaysia in like manner as to any article or thing sent from within Malaysia.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 34. Inspection of postal articles suspected to be of a fraudulent nature.

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

[Inserted Ord. 34/48.]

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

(2) If upon such inspection it appears to the Director General or other officer so appointed as aforesaid that the postal article consists wholly or partly of matter calculated or likely to cause the addressee or any other person to be deluded or defrauded or contains false pretences made with a view to obtain money from the addressee, he may destroy all or any part of such postal article or otherwise dispose of the same in such manner as to him in his absolute discretion may seem expedient.

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

(3) It shall be lawful for any officer of the Postal Department not below the rank of Assistant Controller of Posts, if he suspects that any postal article sent by post consists of or contains any application for, or reply to, any advertisement, which, if sent by post, would be liable to be dealt with under subsections (1) and (2), or if he suspects that any postal article sent by post consists of or contains any reply to any such application, to detain such postal article and to submit it to the Director General or to such other officer of the Postal Department not below the rank of Controller of Posts as the Director General may in writing appoint for the purpose, and the Director General or other officer so appointed may thereupon open the said postal article for the purposes of inspection.

Disposal of postal articles found to contain applications, etc., for advertisement of a fraudulent nature.

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 35. Power to deal with postal articles in respect of which an offence is being committed.

(1) When any officer of the Postal Department not below the rank of Assistant Controller or other postal officer to whom powers under this section have been expressly delegated by the Director General shall have reason to believe that any postal article contains anything in respect of which an offence is being committed or is being attempted to be committed or when such postal officer is requested to do so by the Inspector General of Police or the Director General of Customs and Excise, he shall require, by notice in writing, the attendance at the post office at a specified time of the addressee of such postal article, or of some agent deputed in writing by such addressee, and of the person if any who made the request, or his agent deputed in writing, and such postal article shall then be opened by the addressee or his agent in the presence of an officer of the Postal Department and of any other person named or referred to in the notice who attends.

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 36. Power to intercept postal articles for public good.

(1) On the occurrence of any public emergency or in the interest of public safety or tranquillity, the Prime Minister may, by order in writing, direct that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained, and shall be delivered to any officer mentioned in the order to be dealt with in such manner as the Prime Minister may direct or shall be otherwise dealt with as the Prime Minister may direct, and thereupon such postal articles shall be intercepted or detained and dealt with accordingly.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 37. Detention of articles containing seditious matter.

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

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 38. Power to deal with postal articles from abroad bearing fictitious or previously used stamps.

The Minister may make rules as to the conditions under which a postal article received from any place beyond the limits of Malaysia -

(a) bearing a fictitious stamp; or

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VI - CONDITIONS OF TRANSMISSION OF POSTAL ARTICLE

Section 39. Payment of compensation for loss or damage of articles sent by parcel post.

The Minister may make rules for the payment of compensation for the loss or damage in course of transmission by post of postal articles sent by parcel post and may prescribe the conditions under which such compensation may be paid and the limit of the amount of such compensation.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VII - REGISTRATION AND INSURANCE

Section 40. Registration of postal articles.

(1) The sender of a postal article may, subject to the other provisions of this Act, have the article registered at the post office at which it is posted and require a receipt therefor and the Minister may, by notification in the *Gazette*, direct that, in addition to any postage chargeable under this Act, such fee as is fixed by the notification shall be paid on account of the registration of postal articles.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VII - REGISTRATION AND INSURANCE

Section 41. Power to make rules as to registration.

(1) The Minister may make rules as to the registration of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power such rules may -

(a) declare what classes of postal articles may be registered;

(b) declare in what cases registration shall be required;

(c) prescribe the manner in which the fees for registration shall be paid; and

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VII - REGISTRATION AND INSURANCE

Section 42. Insurance of postal articles.

The Minister may, by notification in the *Gazette*, direct--

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VII - REGISTRATION AND INSURANCE

Section 42. Insurance of postal articles.

The Minister may, by notification in the *Gazette*, direct--

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VII - REGISTRATION AND INSURANCE

Section 44. Power to make rules as to insurance.

(1) The Minister may make rules as to the insurance of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power such rules may --

(a) declare what classes of postal articles may be insured under section 42;

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

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VII - REGISTRATION AND INSURANCE

Section 45. Power to pay compensation in respect of postal articles insured.

(1) Subject to such conditions and restrictions as the Minister may prescribe, if an insured postal article or any article of pecuniary value enclosed in or forming part of an insured postal article be lost or damaged whilst in course of transmission by post, the Director General may pay to the sender thereof, if in his opinion such person establishes a reasonable claim to compensation, such sum as he may think fit not exceeding the amount for which such postal article has been insured.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VIII - CASH ON DELIVERY

Section 46. Cash on delivery postal articles.

(1) The Minister may, by notification in the *Gazette*, direct that, subject to this Act and to the payment of fees at such rates as may be fixed by the notification, a sum of money specified in writing at the time of posting by the sender of the postal article shall be recoverable on the delivery thereof from the addressee and that the sum so recovered shall be paid to the sender:

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

(2) Postal articles sent in accordance with this section may be, and are in this Part, described as "cash on delivery" postal articles.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART VIII - CASH ON DELIVERY

Section 47. Power to make rules as to cash on delivery postal articles.

(1) The Minister may make rules as to the transmission by post of cash on delivery postal articles.

(2) In particular and without prejudice to the generality of the foregoing power such rules may -

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

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

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

(3) Postal articles made over to the post office for the purpose of being sent as "cash on delivery" shall be delivered at such times and in such manner as the Director General may order.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART IX - UNDELIVERED POSTAL ARTICLES

Section 48. Power to make rules as to disposal of undelivered postal articles.

(1) The Minister may make rules as to the disposal of postal articles which, for any reason, cannot be delivered. Such articles are in this Part referred to as "undelivered postal articles".

(2) Such rules may -

- (a) prescribe the period during which undelivered postal articles at a post office shall remain in that office;
- (b) provide for the publication of lists of undelivered postal articles, or of any class of undelivered postal article;
- (c) provide for the manner in which undelivered postal articles shall be finally dealt with or disposed of.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART X - MAILS CONVEYED BY VESSELS

Section 49. Duty of master of vessel departing from any port in Malaysia and not being a contract packet to convey mail bags.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART X - MAILS CONVEYED BY VESSELS

Section 50. Duty of master of vessel arriving at any port in Malaysia in respect of postal articles and mail bags on board.

(1) The master of any contract packet or vessel arriving at any port or place in Malaysia shall, without delay, cause every postal article or mail bag on board which is directed to such port or place and is within the exclusive privilege conferred on the Director General by section 12 to be delivered either at the post office at that port or place or to some officer of the Postal Department authorised to receive the same.

[Am. F.M. Ord. 11/56.]

(2) If there is on board any postal article or mail bag which is directed to any other place within Malaysia and is within the exclusive privilege aforesaid, the master shall, without delay, report that fact to the officer in charge of the post office at the port or place of arrival and act according to the directions he may receive from such officer, and the receipt of such officer shall discharge him from all further responsibility in respect of that postal article or mail bag.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART X - MAILS CONVEYED BY VESSELS

Section 51. Notice to be given to post office of departure of vessel.

Every owner or agent of a contract packet or vessel, proposing to despatch such contract packet or vessel from any port or place in Malaysia to any other port or place within or without Malaysia, shall give reasonable notice in writing to the officer in charge of the post office of the port or place, of the day and hour of the intended departure of such contract packet or vessel, and also of the ports or places at which such contract packet or vessel is to call, and shall give immediate notice in writing to such officer of any alteration in the day or hour of departure or of the ports or places of call, in order that such officer may notify to the public the day and hour for closing the mails (if any) to be made up for such contract packet or vessel.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART X - MAILS CONVEYED BY VESSELS

Section 52. Reception of postal articles on board by officer of the Postal Department or master of vessel.

(1) Any officer of the Postal Department duly authorised by the Director General or his deputy may attend on board any contract packet or vessel after the time of closing the mail by such contract packet or vessel and receive, subject to the other provisions, all postal articles fully prepaid by postage stamps provided under section 22 which may be brought aboard up to the time of departure to be transmitted by such contract packet or vessel. The master of every such contract packet or vessel shall give all proper facilities to such officer of the Postal Department to enable him to discharge his duties and leave the contract packet or vessel before her departure.

(2) If there be no officer of the Postal on board such contract packet or vessel, the master may receive all such postal articles if satisfied that they are fully prepaid by postage stamps provided under section 22 and shall deliver the same at the post office at the port or place of their destination.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART X - MAILS CONVEYED BY VESSELS

Section 53. Gratuities to masters or owners of vessels for conveyance of mail bags and postal articles generally.

(1) The Minister may determine the rates of gratuities to be paid to the masters, owners or agents of vessels, not being vessels belonging to the Government of Malaysia or of any State there or contract packets, for the conveyance of mail bags and postal articles generally or in particular cases.

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

(3) No gratuity shall be payable -

(a) unless application be made for payment within twelve months of the date of despatch of such postal articles to the post office of destination;

(b) if there has been unreasonable delay on the part of the master in delivering his mail at the post office of destination; or

(c) if the mails have been damaged in transit, unless the master proves to the satisfaction of the Director General that such damage is not due to any fault or lack of sufficient care on his part.

(4) If the master of any vessel satisfies the Director General or his deputy that he will not be returning to Malaysia within the twelve months prescribed by subsection (3) (a), the Director General or his deputy pay the gratuities in advance.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XI - MONEY AND POSTAL ORDERS

Section 54. Power to maintain money order system and to make rules as to remittance thereby.

(1) The Minister may provide for the remitting of small sums of money through the Postal Department by means of money orders, and may make rules as to such money orders.

(2) In particular and without prejudice to the generality of the foregoing power such rules may prescribe--

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XI - MONEY AND POSTAL ORDERS

Section 55. Power for remitter to recall money order or alter name.

(1) Subject to such conditions as the Minister may, by rules made under section 54, prescribe in respect of the levy of additional rates of commission or fees or any other matters, a person remitting money through the Postal Department by means of a money order may require that the amount of the order, if not paid to the payee, be repaid to him, or be paid to such person other than the original payee as he may direct.

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

[Sub. Act 6/63; Am. Act A204]

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

- (a) there is reasonable cause for the delay in making the claim; or
- (b) hardship would be suffered by such remitter if such amount were not paid.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XI - MONEY AND POSTAL ORDERS

Section 56. Power to provide for issue of postal orders.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XI - MONEY AND POSTAL ORDERS

Section 57. Recovery of money order or postal order paid to the wrong person.

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

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

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XI - MONEY AND POSTAL ORDERS

Section 58. Exemption from liability in respect of money orders and postal orders.

The Government shall not incur any liability in respect of -

- (a) anything done under any rule made by the Minister under this Part;
- (b) the wrong payment of a money order or postal order;
- (c) any loss or injury occasioned by delay in payment of a money order or postal order, or
- (d) any other irregularity in connection with a money order or postal order;

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XI - MONEY AND POSTAL ORDERS

Section 59. Money orders and postal orders to be deemed valuable securities.

A money order or postal order shall be deemed to be a document and a valuable security within the meaning of the Penal Code [*F.M.S. Cap. 45.*].

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 60. Penalty for misconduct of person employed to carry or deliver mail bags or postal articles.

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

- (a) is in a state of intoxication while so employed;
- (b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or postal article as aforesaid is endangered;
- (c) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article as aforesaid; or
- (d) does not use due care and diligence safely to convey or deliver any such mail bag or postal article as aforesaid,

shall, on conviction, be liable to a fine not exceeding twenty-five ringgit.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 61. Penalty for voluntary withdrawal from duty, without permission.

Any person who, being employed to carry, deliver or handle any mail bag or any postal article in course of transmission by post, voluntarily withdraws from the duties of his office without permission or without having given one month's previous notice in writing, shall, on conviction, be liable to imprisonment for a term not exceeding one month, or to a fine not exceeding twenty-five ringgit or to both.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 63. Penalty for theft, dishonest misappropriation, secretion, destruction or throwing away of postal articles.

Any person who, being an officer of the Postal Department, commits theft in respect of, or dishonestly misappropriates or for any purpose whatsoever secretes, destroys, or throws away, any postal article in course of transmission by post or anything contained therein, shall, on conviction liable to imprisonment for a term not exceeding seven years, and shall also be liable to a fine.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 64. Penalty for opening, detaining or delaying postal articles.

(1) Any person who, being an officer of the Postal Department, contrary to his duty opens or causes or suffers to be opened any mail bag or postal article in course of transmission by post, or wilfully detains or delays, or causes or suffers to be detained or delayed, any such mail bag or postal article, shall, on conviction, be liable to imprisonment for a term not exceeding two years, or to fine, or to both.

(2) Nothing in this section shall extend to the opening, detaining, or delaying of any mail bag or postal article under the authority of this Act, or in obedience to the order in writing of the Minister or the Director General or the direction of a competent court.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 65. Penalty for fraud in connection with official marks and for receipt of excess postage.

Any person who, being an officer of the Postal Department -

- (a) fraudulently puts any wrong official mark on a postal article; or
- (b) fraudulently alters, removes or causes any official mark which is on a postal article; or
- (c) being entrusted with the delivery of any postal article, knowingly demands or receives any sum of money which is not chargeable under this Act,

shall, on conviction, be liable to imprisonment for a term not exceeding two years, and shall also be liable to a fine.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 66. Penalty for fraudulently preparing, altering, secreting or destroying documents.

Any person who, being an officer of the Postal Department, entrusted with the preparing or keeping office any document, fraudulently prepares the document incorrectly, or alters, or secretes, or destroys the document shall, on conviction, be liable to imprisonment for a term not exceeding two years, and shall also be liable to a fine.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 67. Penalty for fraudulently sending unpaid postal articles.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 68. Penalty for money orders issued with fraudulent intent.

Any person who, being an officer of the Postal Department, issues a money order with fraudulent intent shall, on conviction, be liable to imprisonment for a term not exceeding seven years, and shall also be liable to a fine.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 69. Penalty for contravention of section 12.

(1) Any person who -

(a) conveys, otherwise than by post, a letter or postcard within the exclusive privilege conferred on the Director General by section 12 (1);

(b) performs any service incidental to conveying other wise than by post any letter or postcard within the exclusive privilege aforesaid;

(c) sends or tenders or delivers in order to be sent otherwise than by post, a letter or postcard within the exclusive privilege aforesaid;

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

(e) collects, carries, tenders, delivers or receives any letters or postcards in contravention of section 12 (3); or

(f) except as hereinbefore provided, makes a collection of letters for the purpose through the post in a clubbed packet, or knowingly tenders or delivers a letter to be sent in a clubbed packet

shall, on conviction, be liable to a fine not exceeding twenty-five ringgit for every such letter or postcard.

(2) Any person who, having already been convicted of an offence under this section, is again convicted thereunder shall, on every such subsequent conviction, be liable to a fine not exceeding fifty ringgit for every such letter or postcard, or, if the letters and postcards are less than ten, to a fine not exceeding five hundred ringgit.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 70. Penalty for breach of rules under section 22.

Any person who, being appointed to sell postage stamps --

(a) takes, either by himself or by his agent, from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 22 (3) (a) shall, on conviction, be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred ringgit, or to both;

(b) commits a breach of any other rule made under section 22 shall, on conviction, be liable to a fine not exceeding one hundred ringgit, and, in default of payment of such fine, to imprisonment not exceeding six months.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 71. Penalty for contravention of section 27 or 28.

(1) Any person who, in contravention of section 27 or section 28, sends or tenders or makes over in order to be sent by post any postal article or other thing, shall, on conviction liable to imprisonment for a term not exceeding one year, or to fine, or to both.

(2) The detention in the Postal Department of any postal article on the ground of its having been sent in contravention of section 27 or section 28 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.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 72. Penalty for defiling or injuring Postal Department letter boxes.

Any person who places on or against any letter box provided by the Postal Department for the reception of postal articles any fire, match, or light, or any explosive, dangerous, filthy, noxious, or deleterious substance or any fluid, or commits a nuisance in or against any such letter box, or does anything likely to injure any such letter box or its appurtenances or contents, shall, on conviction, be liable to imprisonment for a term not exceeding one year, or to a fine, or to both.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 73. Penalty for affixing without authority anything to or disfiguring post office.

Any person who, without due authority, affixes any placard, advertisement, notice, list, document, board or other thing in or on, or paints, tars, or in any way disfigures any post office shall, on conviction, be liable to a fine not exceeding twenty-five ringgit.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 74. Penalty for making false declaration.

Any person who, being required by this Act to make a declaration in respect of any post article to be sent by post or the contents or value thereof, makes in his declaration any statement which he knows or has reason to believe to be false in any material particular, or does not believe to be true, shall, on conviction, be liable to a fine not exceeding one hundred ringgit, and, if the false declaration is made for the purpose of defrauding the Government, to a fine not exceeding two hundred and fifty ringgit.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 75. Penalty for master of vessel failing to comply with sections 49,50 and 52.

Any person who, being the master of a contract packet or vessel-

(a) fails to comply with section 49;

(b) without reasonable excuse, the burden of proving which shall lie on him, fails to deliver any postal article or mail bag, or to comply with the directions of the officer in charge of the post office at a port of arrival, as required by section 50;

(c) refuses or wilfully neglects, if in quarantine, to deliver any postal article or mail bag in his possession to the person appointed to receive it; or

(d) refuses or wilfully neglects any duty imposed upon him by section 52;

shall, on conviction, be liable to a fine not exceeding five hundred ringgit.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 76. Penalty for failure to comply with section 51.

Any person who, being the owner or agent of a contract packet or vessel, fails to comply with section 51 shall, on conviction, be liable to a fine not exceeding five hundred ringgit.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 77. Penalty for detention of letters on board vessel arriving in port.

(1) Any person who, being either the master of a contract packet or vessel arriving at any port in Malaysia, or anyone on board, knowingly has in his possession or custody, after the postal articles or any of them have been sent to the post office at the port of arrival, any postal article within the exclusive privilege conferred on the Director General by section 12, shall, on conviction, be liable to a fine not exceeding fifty ringgit for every such postal article as aforesaid.

(2) Any person who, being such master or other person as aforesaid, detains any such postal article after demand made for it by an officer of the Postal Department, shall, on conviction, be liable to a fine not exceeding one hundred ringgit for every such postal article.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 78. Penalty for detaining mails or opening mail bag.

(1) Any person who, except under the authority of this Act or in obedience to the order in writing of the Minister or the Director General or the direction of a competent court, detains the mails or any postal article in course of transmission by post or on any pretence opens a mail bag in course of transmission by post shall, on conviction, be liable to a fine not exceeding two hundred ringgit.

(2) Nothing in this section shall prevent the detention of an officer of the Postal Department carrying the mails or any postal article in course of transmission by post on a charge of having committed an offence declared to be punishable by the Penal Code [*F.M.S. Cap. 45.*] or any other law for the time being in force.

(3) Any mail bag may be detained and opened under the written authority of the Director General or his deputy.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 79. Penalty for retaining postal articles delivered or mail bags.

Any person who fraudulently retains or wilfully secretes or makes away with or keeps or detains or when required by an officer of the Postal Department neglects or refuses to deliver up any postal article in course of transmission by post which out to have been delivered to any other person, or a mail bag containing a postal article, shall, on conviction, be liable to imprisonment for a term not exceeding two years, and shall also be liable to a fine not exceeding five hundred ringgit.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 80. Penalty for unlawfully diverting letters.

(1) Any person who, not being an officer of the Postal Department, wilfully and maliciously with intent to injure any person either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall, on conviction, be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred ringgit, or to both.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 80. Penalty for unlawfully diverting letters.

(1) Any person who, not being an officer of the Postal Department, wilfully and maliciously with intent to injure any person either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall, on conviction, be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred ringgit, or to both.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 81. Penalty for unlawfully disclosing contents of postal article.

Any person who reveals, discloses or in any way makes known the contents of any postal article opened under the authority of this Act, except so far as may be necessary for the purpose of returning the same or so far as may be authorised by the Director General in writing, shall, on conviction, be liable to imprisonment for a term not exceeding twelve months, or to a fine, or to both.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 82. Penalty for making fictitious stamps.

(1) Any person who -

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

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

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

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

shall, on conviction, be liable to imprisonment for a term not exceeding two years, or to a fine, or to both.

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

(3) Forfeitures under this section may be declared by a Magistrates' Court, and all things forfeited shall be dealt with as the court directs and the proceeds (if any) thereof paid into the Consolidated Fund.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 83. Penalty for offences specially provided for.

Every person who contravenes this Act or any rules made thereunder shall, on conviction, except where otherwise provided by this Act, be liable to a fine not exceeding one hundred ringgit.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 84. Penalty for abetting, or attempting to commit, offences.

Any person who abets the commission of any offence punishable under this Act, or attempts to commit any offence so punishable, shall, on conviction, be liable to the punishment provided for that offence.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 85. Property in cases of offences to be laid in Director General.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 86. Postal officer how to be described.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 87. Rewards to informers.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 89. Power of Director General to compound certain offences.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 90. Powers of arrest and search in respect of seizable offences.

(1) The Director General or any officer of the Postal Department not below the rank of Assistant Controller deputed by him in writing to act under this section may arrest without warrant -

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

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

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

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 91. Powers of search arrest in respect of offences against sections 12 and 13.

(1) Whenever it appears to the Director General or any person whom he may depute to act for him under this section or when reasonable grounds for suspicion exist that an offence against section 12 or 13 is being committed or is about to be committed or attempted or whenever it appears that there is probable cause to believe that articles are concealed or deposited or contained in or on any conveyance, dwelling-house, shop or other building place in contravention of the aforesaid sections, the Director General, or such person may, if he has good grounds for believing that by reason of the delay in obtaining a search warrant such articles are likely to be removed --

(a) stop and examine such conveyance or enter such dwelling-house, shop or other building or place and there search for and take possession of any such articles reasonably suspected of contravening section 12 or 13 and of any books or documents which may reasonably have been believed to have a bearing on the case; or

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

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 92. Power to prosecute.

Prosecutions in respect of offences committed under this Act may, subject to the provisions of the Criminal Procedure Code [*F.M.S. Cap.6.*], be conducted by the Director General or by any officer of the Postal Department specially authorised thereto in writing by the Director General or his deputy.

[*Mod. P.U. 643/67*]

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 93. Prohibition of false notice as to reception of letters.

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

(a) the words "post office" or "postal office";

(b) the words "letter box", accompanied with words, letters, or marks, which signify or imply or may reasonably lead the public to believe that it is a post office letter box; or

(c) any words, letters, or marks which signify or imply or may reasonably lead the public to believe that any house or place is a post office, or that any box is a post office letter box,

shall, on conviction, be liable to a fine not exceeding twenty-ringgit, and, if the offence is continued after a previous conviction, to a fine not exceeding five ringgit for every day during which the offence so continues.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XII - PENALTIES AND PROCEDURE

Section 93. Prohibition of false notice as to reception of letters.

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

- (a) the words "post office" or "postal office";
- (b) the words "letter box", accompanied with words, letters, or marks, which signify or imply or may reasonably lead the public to believe that it is a post office letter box; or
- (c) any words, letters, or marks which signify or imply or may reasonably lead the public to believe that any house or place is a post office, or that any box is a post office letter box,

shall, on conviction, be liable to a fine not exceeding twenty-ringgit, and, if the offence is continued after a previous conviction, to a fine not exceeding five ringgit for every day during which the offence so continues.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIII - DUTIABLE GOODS IMPORTED OR EXPORTED BY POST

Section 95. Application of Customs Act.

The provisions of the Customs Act, 1967 [Act 62/67], relating to-

- (a) prohibition of imports;
- (b) prohibition of exports;
- (c) levy of import duties;
- (d) levy of export duties;
- (e) search, seizure and arrest;
- (f) trials and proceedings;
- (g) offences and penalties,

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

[Sub. F.M. Ord. 19/52.]

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIII - DUTIABLE GOODS IMPORTED OR EXPORTED BY POST

Section 96. Examination of postal articles.

All postal articles received from beyond the limits of Malaysia and all postal articles posted for despatch to a destination beyond the limits of Malaysia may be examined while in the custody of the Postal Department by any senior officer of customs or other proper officer of customs, and may be opened by an officer of the Postal Department in the presence of a proper officer of customs for the purpose of such examination.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIII - DUTIABLE GOODS IMPORTED OR EXPORTED BY POST

Section 97. Forfeiture of postal articles containing undeclared dutiable goods.

(1) Any postal article found upon examination to contain dutiable goods, such postal article not having affixed thereto a true declaration of such goods, shall be liable to forfeiture by order of the Director General of Customs and Excise.

(2) A senior officer of customs may accept from the addressee of any article liable to forfeiture under subsection (1) of this section a sum not exceeding three hundred ringgit and shall thereupon release such article on payment of the customs duty due thereon.

[Added F.M. Ord. 19/52.]

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIII - DUTIABLE GOODS IMPORTED OR EXPORTED BY POST

Section 98. Payment of duty.

(1) When any postal article received from beyond the limits of Malaysia is declared or is found upon examination to contain dutiable goods the duty upon such goods, together with a clearance fee or such other sum as may be prescribed by rules made by the Minister in respect of each article shall, subject to the provisions of section 18, be deemed to be a debt due to the Director General.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIII - DUTIABLE GOODS IMPORTED OR EXPORTED BY POST

Section 99. Presumption as to importer.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIII - DUTIABLE GOODS IMPORTED OR EXPORTED BY POST

Section 100. Postal articles to and from Penang or Labuan.

(1) For the purposes of this Part any postal article received from Penang or Labuan or posted for despatch to Penang or Labuan shall be deemed to have been received from or to be posted for despatch to a destination (as the case may be) beyond the limits of Malaysia.

[Added F.M. Ord. 19/52]

(2) For the purposes of this section "Penang" and "Labuan" shall have the meaning assigned thereto respectively in sections 146 and 154 of the Customs Act, 1967 [*Act 62/67*].

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIV - GENERAL

Section 101. The Minister may delegate certain powers to Director General.

The Minister may, by notification in the *Gazette*, authorise, either absolutely or subject to conditions, the Director General to exercise any of the powers conferred upon the Minister by this Act.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIV - GENERAL

Section 102. General power to make rules and provisions as to rules.

(1) In addition to the powers hereinbefore conferred, the Minister may make rules to carry out any of the purposes and objects of this Act.

(2) All rules made by the Minister under this Act shall be published in the *Gazette* and, on such publication, shall have effect as if enacted by this Act.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIV - GENERAL

Section 103. Passing of property and liabilities on appointment of Director General.

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

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIV - GENERAL

Section 104. Transfer of powers rights and duties.

Notwithstanding anything contained in the Interpretation Proclamation of the British Military Administration [*B.M.A. Proclamation No. 11 (Malay Peninsula)*] or in the Transfer of Powers and Interpretation Ordinance, 1946 [*M.U. Ordinance No. 2 of 1946*], or in any other written law, the powers, rights and duties which by any of the enactments repealed by this Act were vested in or conferred upon the Director General, Posts and Telegraphs, Straits Settlements and Federated Malay States, or the principal postal authority in any Malay State by whatever title designated shall be deemed to have been vested in and exercisable by the Controller of Posts as from the 1st day of April, 1946, and as from the commencement of this Act shall be vested in the Director General.

ACT 211

Post Office Act 1947 (Revised - 1978)

PART XIV - GENERAL

Section 106. Repeal.

- (1) The Ordinance and Enactments specified in the Second Schedule are repealed.
- (2) The Post Office Ordinances of Sabah and Sarawak [*Sb. Cap 104. Swk. Cap. 132.*] are repealed:

[Added P.U. 643/67]

Provided that any subsidiary legislation made thereunder and in force immediately before such repeal and an acts done thereunder shall, to the extent that such subsidiary legislation and acts are not inconsistent with this Act, continue to have effect until varied or revoked or other provision is made under this Act.

ACT 211

Post Office Act 1947 (Revised - 1978)

FIRST SCHEDULE [Section 8]

DECLARATION

I, do solemnly and sincerely declare that I will not, contrary to my duty, knowingly or willingly open, detain, return, delay or misdeliver or cause or suffer to be opened, detained, returned, delayed or misdelivered, or reveal, disclose or in any way make known the contents of, any postal article or money order which shall come into my hand, power or custody by reason of my employment by or under the Postal Department and I make this solemn declaration consciense tiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1960 [Act 13].

Subscribed and solemnly declared by the above-named at in the State of thisday of, 19.....

Before me,

.....
 +President, Sessions Court
 +Magistrate
 +Commisioner for oaths

+ Delete Whichever is inapplicable.

ACT 211

Post Office Act 1947 (Revised - 1978)

SECOND SCHEDULE [Section 106]

REPEAL

The Post Office Ordinance of the Straits Settlements [*Cap. 71*].

The Post Office Enactment of the Federated Malay States [*Cap. 162*].

The Post Office Enactment of the State of Johore [*No. 81*].

Enactment No. 80 (Post Office) of the State of Kedah [*No. 80*].

The Post Office Enactment of the State of Kelantan [*No. 3 of 1914*].

The Post Office Enactment of the State of Trengganu except Chapters XV, XVI, XVII, XVIII and XIX* [*No. 55 of 1356*].
[*Am. F.M. Ord. 34/48*]

* The Chapters specified in this item relate to telecommunication matters and were repealed by the Telecommunications Ordinance, 1950 (*F.M. No. 28/1950*).