



# Post Office Act 1908

1908 CHAPTER 48 8 Edw 7

## *LEGAL PROCEEDINGS*

### **70 Recovery of fines and forfeitures**

- (1) A fine or forfeiture imposed by this Act, whether declared to be recoverable on summary conviction or not, may be recovered with costs by any person who sues for the same in the High Court or the Court of Session, and that person may sue for the maximum amount of the fine or forfeiture, but shall be entitled to recover only such sum as may be awarded by the court.
- (2) A proceeding in the High Court or Court of Session for the recovery of any fine or forfeiture incurred by any person under this Act shall be commenced within one year next after the fine or forfeiture was incurred.
- (3) Any fine or forfeiture incurred under this Act may be recovered in any place outside the United Kingdom before any court or magistrate before whom like fines or forfeitures are ordinarily recovered, or in such other manner as may be determined by any Act or ordinance having the force of law in that place.

### **71 Summary proceedings**

- (1) All offences under this Act which are punishable on summary conviction may be prosecuted, and all fines or forfeitures under this Act which are recoverable on summary conviction may be recovered, as follows (that is to say):—
  - (a) In the United Kingdom in manner provided by the Summary Jurisdiction Acts; and
  - (b) In the Isle of Man before a high bailiff or two justices of the peace at the instance of an officer of the Post Office or of a constable in accordance with the law for the time being in force for regulating the exercise of summary jurisdiction by such bailiffs or justices; and
  - (c) Elsewhere before the court and in the manner provided by law, and, if no provision is otherwise made by law, then at the instance of any officer of the Post Office before the court, and in the manner, before and in which the like offences and fines can be prosecuted and recovered.

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- (2) If any person convicted on summary conviction is aggrieved by the conviction, he may appeal against the conviction, in England to a court of quarter sessions in accordance with the provisions of the Summary Jurisdiction Acts, and in Scotland and Ireland in manner provided by those Acts.
- (3) If any person aids, abets, counsels, or procures the commission of any offence which is by this Act punishable on summary conviction, he shall, on summary conviction within the Dublin metropolitan police district, be liable to the same forfeiture and punishment as the principal offender.
- (4) Where any sum is, under this Act, recoverable summarily as a civil debt, that sum shall be recovered in manner provided by the Summary Jurisdiction Acts, and any order for the recovery of such a sum may be enforced in Ireland in like manner as an order in a case of a civil nature under the Petty Sessions (Ireland) Act, 1851.

## **72 Venue**

- (1) An offence against this Act may be tried either in the county or place in which it was actually committed, or in any county or place in which the alleged offender is apprehended or is in custody, or (where the offence is in respect of a mail, mail bag, postal packet, or money order, or any chattel, money, or valuable security sent by post) in any county or place through which or any part thereof the mail, mail bag, postal packet, money order, chattel, money, or security passed in due course of conveyance by post, and an offence, if committed in Scotland, may also be tried at any sitting of the High Court of Justiciary.
- (2) Where the offence is committed on any highway, harbour, canal, river, arm of the sea, or other water, constituting the boundary of two or more counties or places, it may be tried in any of the said counties or places.
- (3) The offence of being accessory to or of aiding or abetting an offence against this Act may be tried in any county or place in which the last-mentioned offence may be tried.

## **73 Provisions as to form of proceedings**

- (1) In any indictment or legal proceeding for any offence committed or attempted to be committed, or any malicious, injurious, or fraudulent act or thing done in, upon, or with respect to, the Post Office or the Post Office revenue, or any mail bag, postal packet, money order, or any chattel, money, or valuable security, sent by post, or in anywise concerning any property under the management or control of the Postmaster-General, it shall be sufficient to allege the property to belong to His Majesty's Postmaster-General, and to allege any such act or thing to have been done with intent to injure or defraud His Majesty's Postmaster-General, without in either case naming the person who is Postmaster-General, and it shall not be necessary to allege or to prove upon the trial or otherwise that the mail bag, postal packet, money order, chattel, money, security, or property was of any value.
- (2) In any indictment or legal proceeding against any officer of the Post Office for any offence committed against this Act, it shall be sufficient to allege that the alleged offender was an officer of the Post Office at the time of the committing of the offence, without stating further the nature or particulars of his employment.

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**74 Evidence of thing being postal packet**

On the prosecution of any offence under this Act, whether on summary conviction or on indictment, evidence that any article is in the course of transmission by post, or has been accepted on behalf of the Postmaster-General for transmission by post, shall be sufficient evidence that the article is a postal packet.

**75 Application of fines**

All fines, forfeitures, and other sums recovered in respect of an offence under this Act shall, notwithstanding anything in any other Act, be paid into the Exchequer unless applied as an appropriation in aid under section two of the Public Accounts and Charges Act, 1891.

**76 Power to compound actions**

The Postmaster-General may compromise and compound any legal proceeding, which is commenced by his authority or under his control, against any person for recovering any fine or forfeiture incurred under this Act, on such terms and conditions as the Postmaster-General in his absolute discretion thinks proper, with full power for him, or any of his officers or agents authorised by him for the purpose, to accept any fine or forfeiture so incurred or alleged to be incurred, or any part thereof, without any legal proceeding for recovery thereof.

**77 Saving clause as to liability**

When proceedings are taken before any court against a person in respect of an offence under this Act, which is also an offence punishable at common law, or under some Act other than this Act, the court may direct that instead of those proceedings being continued, proceedings shall be taken for punishing that person at common law, or under some Act other than this Act.

**78 Recovery of sums from officers of Post Office**

- (1) When any sum not exceeding twenty pounds is due from any officer of the Post Office or from his sureties in respect of moneys received in the discharge of his duty, it may be recovered in the United Kingdom summarily as a civil debt, and any such sum of whatever amount may be recovered in the Channel Islands and the Isle of Man as a debt due to the Crown.
- (2) When any such sum does not exceed fifty pounds it may be recovered in Ireland, without prejudice to any other mode of recovery, in the civil bill court.