



Post Office Act 1953

1953 CHAPTER 36

Legal Proceedings

69 Summary proceedings

- (1) Proceedings for any offence against this Act punishable on summary conviction may be commenced at any time within one year next after the commission of the offence.
- (2) For the purposes of the operation of section thirteen of the Summary Jurisdiction (Scotland) Act, 1908 (which relates to offences triable either by indictment or summarily), sections fifty-two, fifty-three, fifty-four and fifty-seven of this Act shall have effect in Scotland as if for the word " felony" there were substituted the word " misdemeanour. "

70 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 any part of which the mail, mail bag, postal packet, money order, chattel, money or security passed in due course of conveyance by post; and an offence committed in Scotland may also be tried at any sitting of the High Court of Justiciary.
- (2) Where an offence against this Act 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 those 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.

71 Provisions as to form of proceedings

- (1) Without prejudice to the provisions of the Indictments Act, 1915, or the Indictments Act (Northern Ireland), 1945, in any legal proceedings 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 or money order, or any chattel, money or valuable security sent by post, or in any way concerning any property under the management or control of the Postmaster-General, it shall be sufficient to allege the property to belong to Her Majesty's Postmaster-General and to allege any such act or thing to have been done with intent to injure or defraud Her 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) Without prejudice as aforesaid, in any legal proceedings 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 commission of the offence, without stating further the nature or particulars of his employment.

72 Evidence of thing being postal packet, and of consent of Postmaster-General to prosecution

- (1) On the prosecution of any offence against this Act, whether summarily 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.
- (2) Where the consent or order of the Postmaster-General is required to or for any prosecution, an instrument purporting to be executed by him or on his behalf by an officer of the Post Office duly authorised by or under section eighty-three of this Act and stating that the prosecution has been consented to or ordered by the Postmaster-General shall be sufficient proof of that fact, unless the contrary is shown.'

73 Power to compound actions, etc.

The Postmaster-General or any of his officers or agents authorised by him for the purpose may accept from any person any fine incurred or alleged to be incurred by that person under this Act, or any part of such a fine, without any legal proceedings for the recovery thereof, and the Postmaster-General may compromise and compound any legal proceedings commenced by his authority or under his control against any person for recovering any such fine on such terms and conditions as the Postmaster-General in his absolute discretion thinks proper:

Provided that this section shall extend only to England and Wales.

74 Application of fines

- (1) Subject to subsection (2) of this section any fine, the pecuniary proceeds of any forfeiture and any other sum recovered in respect of an offence against this Act shall, notwithstanding anything in any other enactment, be paid into the Exchequer unless applied as an appropriation in aid under section two of the Public Accounts and Charges Act, 1891.

- (2) In the application of the foregoing subsection to England and Wales, nothing therein shall prejudice the operation of section twenty-seven of the Justices of the Peace Act, 1949, or section one hundred and fourteen of the Magistrates' Courts Act, 1952 (which relate to the disposal of fines imposed by courts of summary jurisdiction in England and Wales), but any sum paid to the Secretary of State in pursuance of the said section twenty-seven in respect of an offence against this Act shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer unless applied as aforesaid.

75 Offences also punishable at common law or under some other Act

Where proceedings are taken before any court against a person in respect of an offence against 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 that other Act.

76 Recovery of sums from officers of Post Office

Where 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, without prejudice to any other mode of recovery, be recovered in England, Wales or Northern Ireland summarily as a civil debt and any such sum of whatever amount may be recovered in the Channel Islands or the Isle of Man as a debt due to the Crown.