

POST OFFICE

SCHEME P3/1979

NOTE: The Scheme which follows this note is made under section 28 of the Post Office Act 1969 and amends the Post Office Overseas Parcel Post Scheme 1977. The amending Scheme, which comes into operation on 7th June, 1979, amends the provisions for payment of compensation and introduces a procedure for claims for compensation for loss or damage occurring in the post which cannot readily be resolved, to be submitted to an independent complaints panel for consideration.

(This note is not part of the Scheme.)

THE POST OFFICE OVERSEAS PARCEL POST
AMENDMENT (No. 1) SCHEME 1979

Made 29th May 1979
Coming into operation 7th June 1979

The Post Office, by virtue of the powers conferred upon it by section 28 of the Post Office Act 1969, and of all other powers enabling it in this behalf, hereby makes the following Scheme:

Commencement, citation and interpretation

1. (1) This Scheme shall come into operation on the 7th day of June 1979, and may be cited as the Post Office Overseas Parcel Post Amendment (No. 1) Scheme 1979.
- (2) This Scheme shall be read as one with the Post Office Overseas Parcel Post Scheme 1977 (Post Office Scheme P6/1977) (hereinafter called "the Scheme").
- (3) The Interpretation Act 1978 applies for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament and as if this Scheme were an Act of Parliament.

Packing

2. Paragraph 7 of the Scheme shall be renumbered as "7(1)" and a new sub-paragraph 7(2) inserted as follows:

"(2) Without prejudice to paragraph 22(1) any article contained in a parcel shall be adequately packed as a protection against damage in course of transmission. In particular:

- (a) an article which is of a fragile nature shall be packed in a container of sufficient strength and shall be surrounded in that container with sufficient and suitable material to protect the article against the effects of concussion, pressure and knocks to which parcels are ordinarily exposed in transmission and the parcel shall bear the words "FRAGILE WITH CARE" written conspicuously in capital letters on the face of the cover above the address;
- (b) an article which is liable to be damaged by bending shall be packed in a container of sufficient strength to prevent the article from being bent in transmission and the parcel shall bear the words "DO NOT BEND" written conspicuously in capital letters on the face of the cover above the address;
- (c) a parcel containing any perishable article shall bear the word "PERISHABLE" written conspicuously in capital letters on the face of the cover above the address."

Compensation

3. For paragraph 23 of the Scheme there shall be substituted the following:

"23. (1) Where the Post Office is satisfied that any article of pecuniary value enclosed in, or forming part of, a parcel (including an insured parcel) has been lost or damaged whilst in the course of transmission by post, it may (but subject to and in accordance with the provisions of this paragraph) pay such sum as it may think just by way of compensation for such loss or damage to any person who in its opinion establishes a reasonable claim

thereto, whether as the sender or as the addressee of the parcel.

(2) The total amount of compensation which the Post Office may pay under sub-paragraph (1) in respect of:

- (a) any one uninsured parcel and its contents shall not in any case exceed £23. Such payment shall be according to the scale set out in Part 2 of Schedule 2, having regard to the weight of the parcel;
- (b) any one outgoing insured parcel and its contents shall not in any case exceed £600 having regard to the insurance fee paid in respect of the parcel according to the scale set out in Part 1 of Schedule 2 and the terms of any relative postal arrangement with a Postal Administration;
- (c) any one incoming insured parcel and its contents shall not in any case exceed £600 having regard to the insurance fee paid in the country or place from which the parcel was transmitted and the terms of any relative postal arrangement with the Postal Administration of that country or place.

(3) Subject to paragraph (2), the maximum amount of compensation which the Post Office may pay under sub-paragraph (1) in respect of any article enclosed in or forming part of a parcel shall be such sum as, in its opinion, represents:

- (a) in a case where the Post Office is satisfied that the article has been lost or rendered valueless whilst in the course of transmission by post, the market value thereof (excluding the value of any message or communication) at the time of posting;
- (b) in any other case, the amount by which such value has been diminished by damage suffered whilst the parcel was in the course of transmission by post.

(4) No compensation may be paid under sub-paragraph (1) in respect of an outgoing uninsured parcel containing any such article as is mentioned in paragraph 6 (3) if the parcel is addressed to a country or place to which, under the relative postal arrangement, insured parcels may be sent from the British postal area.

(5) No compensation may be paid under sub-paragraph (1) in respect of any parcel or its contents unless the Post Office is satisfied that the conditions set out in paragraph 7 and, in the case of an outgoing insured parcel, paragraph 22 (1) have been complied with.

(6) In the case of a parcel which was redirected under paragraph 24 after delivery at the place to which it was addressed, no compensation may be paid under sub-paragraph (1) for loss of, or damage to, the parcel, or any of its contents while in the course of further transmission by post unless full postage and in the case of an insured parcel a fresh insurance fee where possible was prepaid on such redirection, in which case compensation may be paid subject to and in accordance with this paragraph, for any such loss or damage which the Post Office is satisfied occurred while the parcel was in the course of transmission by post after such redirection.

(7) No compensation may be paid under sub-paragraph (1) in respect of any parcel or its contents if the parcel has been destroyed or otherwise dealt with or disposed of by the Post Office pursuant to Section 8 (3) of the Act or sub-paragraph (1) of paragraph 12, paragraph 16, or sub-paragraph (2) and (3) of paragraph 22 or by another Postal Administration under a provision of the law of the country or place of that Postal Administration.

(8) No compensation may be paid in respect of any parcel or its contents unless:

(a) a claim for such compensation is received from the sender or the addressee within a period of 12 months beginning with the date on which the parcel was posted;

(b) in the case of an outgoing parcel, a certificate was obtained on the posting of the parcel and is produced and delivered up to the Post Office if the Post Office so requires;

(c) in a case where loss of the parcel is claimed and the Post Office so requires, a declaration is made by the addressee that the parcel was not delivered to him or to the place to which it was addressed;

(d) in a case where the parcel has been delivered and compensation is claimed for damage to all or any of its contents, or for loss or abstraction of all or any of its contents, and the Post Office so requires, the following things are produced for the inspection of the Post Office, or of the Postal Administration of the country in which the parcel was delivered, in the condition as nearly as possible as which they were when the parcel was delivered:

(i) where such damage is alleged, the cover of the parcel, the damaged article, its packing material, and any container in which the damaged article was enclosed;

(ii) where such loss or abstraction is alleged, the cover of the parcel.

(9) No compensation may be paid in respect of any parcel or its contents if it contains anything the posting of which is prohibited by or under any enactment or this Scheme.

(10) No compensation may be paid in respect of any parcel or its contents unless the address of the person to whom the parcel is to be transmitted is written fully and correctly on the cover thereof or on a label securely affixed or tied thereto.

(11) No compensation may be paid in respect of any parcel or its contents if the parcel was lost, damaged or destroyed in circumstances beyond the control of the Postal Administration in whose service the loss, damage or destruction occurred.

(12) If compensation has been paid to any person in respect of the loss of an insured parcel which the sender has insured for a sum exceeding the market value of the contents and packing and the parcel subsequently comes into the possession of the Post Office, then upon tender of the parcel to that person (whether or not he accepts it), he shall repay to the Post Office the sum paid by way of compensation or such part thereof as the Post Office may require.

(13) Where the Post Office pays compensation in respect of a parcel in accordance with the foregoing sub-paragraphs it may additionally pay an amount equivalent to the amount of postage paid by the sender of the parcel."

Advice of delivery (outgoing insured parcels only), enquiries and claims for compensation.

4. (1) The heading of paragraph 25 of the Scheme shall be deleted and the following substituted;

"Advice of delivery (outgoing insured parcels only), enquiries and claims for compensation."

(2) The following shall be added to paragraph 25 of the Scheme:

"(3) The sender or addressee of an insured or an uninsured parcel shall, on making an application for compensation under this Scheme in the prescribed form, other than an application for compensation in respect of damage to the parcel or its contents, pay a fee of 25p, which fee will be refunded to him in the event of compensation being paid by the Post Office."

Schedule 2 - Insurance and compensation

5. In Schedule 2, Part 2, of the Scheme the amount "£9" shall be deleted and "£10" inserted in its place.

Application of Post Office Inland Post Scheme

6. For Schedule 4 to the Scheme there shall be substituted:

"SCHEDULE 4

Paragraph 29

APPLICATION OF POST OFFICE INLAND POST SCHEME

The Post Office Inland Post Scheme 1979 (Post Office Scheme P1/1979). Paragraph 14 (Postmarks). Paragraph 18 (Treatment of packets addressed to deceased persons).

The reference in paragraph 18(1) (d) to "this Scheme" shall be read as a reference to this Scheme. The reference in paragraph 18(2) to paragraph 7 of the Post Office Scheme P1/1979 shall be omitted, and the additional postage and fees referred to in paragraph 24 of this Scheme shall be payable on each redirected parcel on delivery.

Paragraph 27 (Postal facilities - general).

This paragraph shall apply for the purpose only of the application of the other provisions of the Post Office Scheme P1/1979 mentioned in this Schedule to parcels transmitted by post under this Scheme.

Paragraph 34 (Poste restante).

The reference in paragraph 34(h) to the provisions of the Post Office Scheme P1/1979 as to the return of postal packets shall be read as a reference to paragraph 16 of this Scheme.

Paragraph 51 (Trade charge money orders crossing); paragraph 52 (Trade charge money orders - payment to bankers); paragraph 53 (Payment of out of date money orders).

These provisions shall apply to trade charge money orders used for the remission of trade charges under paragraph 20(2)(g) of this Scheme.

Paragraph 55 (Variation of route).

Paragraph 74 (Complaints Panel).

The references to "this Scheme" shall be read as a reference to this Scheme. Anything relating to a registered inland packet and paragraph (4) shall be omitted.

Schedule 2 (Postal Franking Machines).

As applied by paragraph 11(6) of this Scheme.

Schedule 3 (Postal facilities), items 8 to 16 inclusive, and 18.

The facilities referred to in items 8 to 16 inclusive and 18 shall extend to parcels transmitted by post under this Scheme, without further charge, but the additional postage and fees referred to in paragraph 24 of this Scheme shall be payable on the delivery of each parcel re-directed in accordance with item 10.

Schedule 4 (Express delivery services), items 2, and 4 to 7 inclusive.

The limits of size and weight in respect of items 2 and 4 shall be those specified in this Scheme."

Dated 29th May, 1979.

Signed on behalf of the Post Office by *L. H. Kingsbury* (a person authorised by the Post Office to act in that behalf).