

1956/10



THE POSTAL AMENDING REGULATIONS 1956

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 7th day of February 1956

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Post and Telegraph Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Postal Amending Regulations 1956.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. (1) Subject to the provisions of this regulation, the Director-General may, in his discretion, pay compensation not exceeding £10 in respect of damage to any parcel, or loss of any uninsured parcel, occurring during its transmission through the post.

(2) No compensation in respect of damage to any parcel shall be payable under this regulation unless the prescribed "fragile" fee has been paid in respect of the parcel:

Provided that the Director-General may pay compensation under this regulation for damage to a parcel upon which the said "fragile" fee has not been paid if in his opinion the parcel is reasonably and sufficiently packed.

(3) Where a claim for compensation is made under this regulation in respect of any parcel, the following provisions shall apply:

(a) The Director-General shall be satisfied that any loss or damage did not arise wholly or in part because of insufficient or faulty packing or fastening, incomplete, faulty, or incorrect addressing or affixing of address, or other fault or neglect on the part of the sender:

- (b) The amount of any compensation paid under this regulation shall not exceed the value of the article lost or the amount of the damage suffered :
- (c) Where the Director-General is of the opinion that compensation should be paid under this regulation, he may, instead of paying compensation, replace the article lost or damaged :
- (d) Where a claim is made in respect of damage to or loss of contents of a parcel, the package shall be produced to the Director-General for inspection as nearly as possible in the same condition as that in which it was delivered :
- (e) If complaint is made that the contents of a parcel have been abstracted, the cover shall be produced :
- (f) No compensation under this regulation shall be paid in respect of :
 - (i) Damage to any parcel containing liquids or semi-liquids, perishable articles, or articles comprised wholly or in part of exceptionally fragile or brittle materials or which, from their nature or construction, are peculiarly liable to damage, however carefully packed :
 - (ii) Injury or damage consequent upon the loss, damage, delay, non-delivery, or misdelivery of anything sent otherwise than by parcel post :
 - (iii) Loss or damage suffered through flood, tempest, shipwreck, earthquake, war, or other cause beyond the control of the Post and Telegraph Department.

(4) The regulations made under the Post and Telegraph Act 1908 published in the *Gazette* of the 24th July 1919 at page 2435 are hereby revoked.

3. (1) No person shall use a lock on any rural delivery box used for the delivery of mail pursuant to regulations under the Post and Telegraph Act 1928.

(2) The regulations made under the Post and Telegraph Act 1908 published in the *Gazette* of the 18th day of August 1927 at page 2699 are hereby amended by revoking subclause (4) thereof appearing under the heading "Rural Delivery Regulations and Fees".

4. The Postal Amending Regulations 1955* are hereby amended as follows :

- (a) By omitting from subclause (1) of regulation 2 the word "five", and substituting the word "ten" :
- (b) By revoking subclause (2) of regulation 2 and substituting the following subclause :

“(2) No demurrage shall be payable in respect of a parcel addressed to a place at which there is no delivery of correspondence by postman, or to a person on board ship.”
- (c) By omitting from subclause (4) of regulation 2 the words "other than a charge in respect of a parcel containing goods imported for the purpose of resale".

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

Regulation 2 replaces the existing regulations relating to claims for compensation in respect of loss of or damage to parcels sent through the parcel post. The amount of compensation which may be paid has been increased and the circumstances in which compensation may be paid are prescribed in detail.

Regulation 3 revokes a provision prescribing the dimensions of and charges for rural delivery boxes and repeats an existing provision to the effect that the use of locks on delivery boxes is not permitted.

Regulation 4 makes miscellaneous amendments to existing regulations relating to demurrage charged by the Post Office. The regulation increases, from five days to ten days, the period for which demurrage will not be charged, clarifies a provision limiting the class of parcels in respect of which demurrage is not payable, and revokes words imposing a limitation in respect of certain goods on which the demurrage charge may be remitted.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 February 1956.

These regulations are administered in the Post and Telegraph Department.