

Compensation for insured letters

3. For paragraph 36 of the Scheme there shall be substituted the following:

- “36.—(1) If an insured letter, or any article of pecuniary value enclosed in or forming part of an insured letter, is lost or damaged whilst in the course of transmission by post, the Post Office may (but subject to and in accordance with the provisions of this paragraph) pay such sum as it may think just to any person who in its opinion establishes a reasonable claim thereto, whether as the sender or as the addressee.
- (2) In the case of an outgoing insured letter, the sum paid by way of compensation shall not exceed the sum of £600 or such smaller sum as, having regard to the amount of the compensation fee paid in respect of the letter according to the scale set out in Schedule 6 in addition to the postage and registration fee may be from time to time fixed in accordance with the terms of any relevant postal arrangement with a Postal Administration.
- (3) In the case of an incoming insured letter, the sum paid by way of compensation shall not exceed £600 or such smaller sum as, having regard to the amount of the compensation fee paid in respect of the letter in addition to the postage and registration fee, may be from time to time fixed in accordance with the terms of any relevant postal arrangements with a Postal Administration.
- (4) Subject to sub-paragraphs (2) and (3) the maximum amount of compensation which the Post Office may pay in respect of any article enclosed in or forming part of an insured letter 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 in the 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 in the post.
- (5) Where the Post Office pays compensation in respect of an insured letter in accordance with the foregoing sub-paragraphs it may additionally pay an amount equivalent to the amount of postage and registration fee paid by the sender of the letter.
- (6) No compensation may be paid in respect of any insured letter or its contents unless the Post Office is satisfied that the conditions set out in paragraphs (3), (4) and (6) of Schedule 10 hereto, and in the case of an outgoing insured letter paragraph 35(1)(c) of the Scheme, have been complied with in the case of that insured letter.
- (7) In the case of an insured letter which was redirected under paragraph 40 of the Scheme 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, that insured letter, or any of its contents, while in the course of further transmission by post, unless the letter was so redirected by being posted anew and full postage was prepaid on such posting, 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 letter was in course of transmission by post after such reposting.
- (8) No compensation may be paid in respect of any insured letter or its contents if the letter 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 18, or paragraph 19, of the Scheme, or by another Postal Administration under a provision of the law of the country or place of that Postal Administration.
- (9) No compensation may be paid in respect of any insured letter or its contents if the letter was lost, damaged or destroyed in circumstances beyond the control of the Postal Administration in whose service the loss, damage or destruction occurred.
- (10) No compensation may be paid in respect of any insured letter or its contents unless:
- (a) a claim for such compensation is made by the sender or the addressee within a period of 12 months beginning with the date on which the letter was posted;
- (b) in the case of an outgoing insured letter, the certificate referred to in paragraph 32(1)(d) of the Scheme is produced and delivered up to the Post Office if the Post Office so desires;
- (c) in a case where the insured letter 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 letter was delivered, in the condition as nearly as possible as which they were when the letter was delivered:
- (i) where such damage is alleged, the cover of the letter, 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 letter.
- (11) If compensation has been paid to any person in respect of the loss of an insured letter which the sender has insured for a sum exceeding the real value of the contents and packing and the letter subsequently comes into the possession of the Post Office, then upon tender of the letter 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.”

Compensation—general

4.—(1) For the heading “Compensation—general” and paragraph 37 of the Scheme there shall be substituted the following:

“Compensation for certain other postal packets

- 37.—(1) Where the Post Office is satisfied that any article of pecuniary value enclosed in, or forming part of, a postal packet other than a registered letter, an insured letter, or a postal packet consisting of or containing only literature for the blind or an All-up Newspaper, has been lost or damaged whilst in the custody of the Post Office, 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 postal packet.
- (2) The total amount of compensation which the Post Office may pay under sub-paragraph (1) in respect of any one postal packet and its contents shall not in any case exceed £10.
- (3) Subject to sub-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 postal packet shall be such sum as, in its opinion, represents—