

Subsidiary Legislation made under ss.5 and 54.

Freepost and Business Reply Regulations

LN.1983/075

Commencement **1.10.1983**

Amending enactments	Relevant current provisions	Commencement date
LN. 1985/023	r. 15(a), Sch. 3	7.2.1985
1999/036	rr. 3(1), (2)(c), 4(c), 5(c), 7(a), 11(a), (g), 13A-13C, 14(1)-(2), 16, 17(1). Schs. 3-5	15.4.1999
2004/091	r. 14(2)	13.9.2004

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Title.

1. These regulations may be cited as the Freepost and Business Reply Regulations.

Interpretation.

2. In these regulations, unless the context otherwise requires—

“approved” means approved by the Director;

”licence” means a licence issued under these regulations by the Director;

“licensee” means a person to whom a licence is granted.

Administration.

Issue and effect of licences.

- 3.(1) The Director may issue licences to establish a freepost service, a business reply service or international business reply service.

(2)

- (a) Subject to the provisions of these regulations, a licence issued for a freepost service gives authority for the posting in Gibraltar of freepost packets to the address or addresses in Gibraltar of a licensee without prepayment of postage by the sender.
- (b) Subject to the provisions of these regulations, a licence issued for a business reply service gives authority for the posting in Gibraltar of business reply packets to the address or addresses in Gibraltar of a licensee without prepayment of postage by the sender.
- (c) Subject to the provisions of these regulations, a licence issued for an international business reply service gives authority for the posting outside Gibraltar of business reply packets to the address or addresses in Gibraltar of a licensee without prepayment of postage by the sender.

Form of licences.

4. (a) Subject to the provisions of regulation 7(c), a freepost licence shall be in the form set out in Schedule 1.

- (b) Subject to the provisions of regulation 7(c), a business reply licence shall be in the form set out in Schedule 2.
- (c) Subject to the provisions of regulation 7(c), an international business reply licence shall be in the form set out in Schedule 4.

Fees for licences.

- 5.
 - (a) There shall be payable for a freepost licence an annual fee of £15 in respect of each address to which freepost items are to be delivered.
 - (b) There shall be payable for a business reply service licence an annual fee of £15 in respect of each address to which business reply items are to be delivered.
 - (c) There shall be payable for an international business reply licence an annual fee of £50 in respect of each address to which international business reply items are to be delivered.

Licences may cover several business addresses.

- 6. A licence may refer to more than one place of business of the licensee provided that the address of each place of business is approved and set out in the licence.

*Procedure for Obtaining Licences.***Grant and refusal of licences.**

- 7.
 - (a) A person who intends to use a freepost service, a business reply service or international business reply service shall apply to the Director, in such form as he may require, for a licence.
 - (b) An application shall be made to the Director not less than one month before it is desired that the licence be issued.
 - (c) Subject to the provisions of these regulations, the Director may in his discretion approve or refuse the grant of a licence, and if he approves the grant he may specify additional conditions, which shall be incorporated in the licence.

Duration of licence.

- 8. Subject to the provisions of these regulations, a licence shall remain in force until the expiry of any period of duration specified in it.

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Freepost Service.

Freepost licence.

9. A freepost licence shall specify the name and address or addresses to be used by the licensee in a communication or advertisement. The name of the licensee may be in abbreviated form.

Effect of freepost licences.

10. (a) A freepost licensee may issue a communication or advertisement incorporating his approved name and address or addresses to which a reply may be sent.
- (b) Subject to any variations approved by the Director in individual cases, the name and address shall be in the following form :-

Name of Licensee
FREEPOST
Gibraltar.

- (c) A reply bearing an approved address and the words “No stamp required” in the top right corner may be transmitted by post without prepayment of postage by the sender.

Business Reply Service.

Criteria for design.

11. Every person applying for a licence to use the business reply service shall produce for approval complete printed proofs of the card, envelope, folder or gummed label bearing designs or advertisements which he intends to use. Finished drawings may be permitted if printing is to be from plates. The designs shall conform to the following criteria

- (a) Each design shall not be less than 140mm or more than 235mm long by not less than 90mm or more than 120mm wide and a space of not less than 38mm shall be left between the top edge of the card, envelope, folder or gummed label and the top of the Licence Number panel.
- (b) The name and full postal address of the licensee shall be printed parallel to the length of the card, envelope, folder or gummed label. The address shall be clear and correct with the word “GIBRALTAR” printed in block capitals on the last line of the address, not less than 18mm from the bottom edge.

- (c) The words “Do not affix Postage Stamps if posted in Gibraltar” shall be printed at the top of the card, envelope, folder or gummed label, not more than 5mm from the top edge.
- (d) The words “Postage will be paid by licensee” shall be shown in a box in the top left hand corner of the design.
- (e) The words “Business Reply Service Licence Number” may be abbreviated to “B R S Licence No.” and the words may be printed on one line or more than one line. The characters used shall be of such size that the capital letters are not less than 2mm in height. The Licence Number panel shall be at least 5mm deep, and shall be printed above the address, No extraneous printing (advertising etc.) shall appear above the panel, and a space of at least 5mm shall be left clear between the panel and the name and address.
- (f) In addition to the design, licence number and address, extraneous printing (such as advertising) may appear on the address side provided it is confined to the left hand side half, and does not fall lower than the last line of the address.
- (g) The cards or paper should preferably be white, but other colours (other than red) may be acceptable provided the shades are not glaring, vivid, dazzling in effect or too dark, and provided that the dyes used do not contain phosphorescent substances. The design and address should preferably be printed in black but any deep colour (e.g. green, blue, brown) may be acceptable provided that the printing is in strong contrast with the colour of the card or paper. Red, orange or yellow are not permitted.
- (h) Cards shall be of material not less than 250 micrometres thick, but tolerance to an absolute 230 micrometres is permitted.
- (i) Labels, if used, shall be printed on paper which will readily take an adhesive substance and which is not too thick to allow the label being securely pasted down.
- (j) Folders shall be so arranged that there are folds above and to the right of the top right hand corner of the address side. Flimsy paper is not acceptable for folders.

Provisional numbers.

12. The Director may issue a provisional licence number in order to allow proofs to be prepared.

Form of design.

13. The design shall be in the form set out in Schedule 3.

International Business Reply Service

Criteria for design.

13A. Every person applying for a licence to use the international business reply service shall produce for approval complete printed proof of the card, envelope, folder or gummed label bearing designs or advertisements which he intends to use. Finished drawings may be permitted if printing is to be from plates. The design shall conform to the following criteria-

- (a) Each design for a card shall not be less than 140mm long by not less than 90mm wide and not more than 148mm long by not more than 105mm wide.
- (b) Each design for an envelope shall not be less than 140mm long by not less than 90mm wide and not more than 235mm long by not more than 120mm wide.
- (c) The name and full postal address in Gibraltar to which all items shall be delivered shall appear parallel to the length of the card, envelope, folder or gummed label and underneath two parallel, horizontal bars with the specifications given in paragraph (e) below.
- (d) the address shall be clear and correct with the word "GIBRALTAR" printed in block capitals on the last line of the address, not less than 18mm from the bottom edge.
- (e) The two horizontal bars shall be not less than 80mm long and 3mm wide and 14mm apart from the inside edges and 15mm from the right hand edge of the card, envelope, folder or gummed label.
- (f) The words "RESPONSE PAYEE" on the top of the word "GIBRALTAR" not less than 4mm high shall be printed on two lines between the horizontal parallel bars in paragraph (e) above.
- (g) The words "NE PAS AFFRANCHIR" and "NO STAMP REQUIRED" shall be shown in a box which shall not be less than 40mm long by 30mm wide in the top right hand corner of the card, envelope, folder or gummed label not more than 5mm from the top and right edge.

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- (h) An airmail label with the words “By air mail” and “Par avion” may be shown in the top left hand corner of the card, envelope, folder or gummed label, below which shall appear the expression “IBRS/CCRI” on the line below which shall appear the licence number in one line.
- (i) In addition to the design, licence number and address, extraneous printing (such as advertising) may appear on the address side or on the reverse of the card, envelope or folder provided it is confined to the left hand side of the address side and
 - (i) it does not fall below the last line of the address on the address side;
 - (ii) it does not mimic the horizontal bars; and
 - (iii) it does not contain any other address whether complete or not.
- (j) The cards or paper should preferably be white, or a light shaded pastel colour and provided that the dyes used do not contain phosphorescent substances. The design and address should preferably be printed in black but any deep colour (e.g. blue) may be acceptable provided that the printing is in strong contrast with the colour of the card or paper. Red, orange or yellow are not permitted.
- (k) Cards shall be of material not less than 250 micrometres thick, but tolerance to an absolute 230 micrometres is permitted.
- (l) Labels, if used, shall be printed on paper which will readily take an adhesive substance and which is not too thick to allow the label being securely pasted down.
- (m) Folders shall be so arranged that there are folds above and to the right of the top right hand corner of the address side. Flimsy paper is not acceptable for folders.
- (n) The weight limit of the postal packet shall not exceed 50 grammes.

Provisional numbers.

13B. The Director may issue a provisional licence number in order to allow proofs to be prepared.

Form of design.

13C. The design shall be in the form set out in Schedule 5.

Payment.

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Postage and fee.

14.(1) In respect of each delivery of a freepost reply or business reply a licensee shall pay, in the manner specified in regulation 15, the postage at the rate as fixed from time to time and a delivery fee of ½ p.

(2) In respect of each delivery of an international business reply a licensee shall pay postage, in the manner specified in regulation 15, at a rate equivalent to the basic airmail rate as fixed from time to time by Gibraltar to the country of origin for each 20 grammes.

Accounts and payment.

15. (a) The Director may by notice in writing to the licensee, during the currency of the licence (or if necessary after its expiry or revocation), submit a monthly statement of accounts showing the postage and fees incurred during the preceding month or months and an estimate of the postage fees and fees likely to accrue for the immediately succeeding month, and the licensee shall be required within the time specified in any such notice, to pay the sums shown on the statement of account.
- (b) The Director may by notice in writing require further payments at any time from the licensee to correct under-payments or under-estimates.

Miscellaneous.

No redirection.

16. No freepost reply, business reply nor international business reply shall be redirected by the Director after delivery at an address set out in a licence.

Waiver of fees for charitable and religious organizations.

17.(1) Where the licensee is a charitable or religious organization the Director may waive the licence fee prescribed in regulation 5 (a) or the delivery fee prescribed in regulation 14(1) or both such fees.

- (2) In this regulation “charitable or religious organization” means—
- (a) any charity registered under section 6 of the Charities Act, or
- (b) any charity not so registered which the Director is satisfied is a charity as defined in section 2(1) of that Act, or

- (c) any charity which is exempt from such registration under the said section 2(1) and under paragraph (a) of Schedule 2 to that Act, or
- (d) any institution the purposes of which the Director is satisfied are exclusively or mainly religious.

Recovery of debts.

18. Any sum of money owing to the Director under the provisions of these regulations shall be a debt due to the Director and may be recovered as such in any court of competent jurisdiction.

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SCHEDULE 1.

Regulation 4(a).

FREEPOST LICENCE No.

TO:

(hereinafter called “the Licensee”).

1. Subject to the conditions hereinafter mentioned, the Director of Postal Services (hereinafter called “the Director”) hereby gives licence and authority for the posting in Gibraltar of freepost packets without prepayment of postage to an address or addresses specified in the Schedule hereto being an address or addresses of the Licensee or of his agent named therein; and accordingly the Licensee may invite others to post such packets to him or to such agent at any such address without prepayment of postage.

2. This licence is granted on and subject to the following conditions:—

(1) Every advertisement, notice, letter or other communication, published, displayed, broadcast, issued, given, sent or made by, for on with the authority of the Licensee which includes an invitation to post freepost packets to any address specified in the Schedule hereto shall state such address in the precise terms in which it is specified in the Schedule (including the word FREEPOST in capital letters and such (if any) other words, characters and symbols as are therein specified in or with such address) and in the manner and order in which those terms appear in that Schedule.

(2) The Licensee shall pay in advance as a deposit on account of postage and delivery fees payable in respect of such freepost packets as may be posted without prepayment of postage and received by him or by his agent, such sum of money as the Director shall deem sufficient to cover the postage and delivery fees likely to be incurred during a period of one month, and shall thereafter from time to time (as and whenever requested by the Director) during the continuance of this licence pay in advance on account of postage and delivery fees likely to be incurred during subsequent periods, such sums as the Director may deem necessary ; and if and so long as the Licensee is the licensee in respect of a Business Reply Licence and the Director thinks fit, the Licensee shall (instead of making separate payments in advance of postage and delivery fees on freepost packets and postage and delivery fees on business reply packets) from time to time (as and whenever requested by the Director) make single payments in advance of such sums as the Director may deem necessary on account of postage and delivery fees likely to be incurred by the Licensee on freepost packets and on business reply packets, and the Director may dispense with the payment of an initial deposit under this condition.

(3) The conditions of this licence may be varied or added to from time to time by the Director by notice in writing to the Licensee if and so far as the Director may consider it necessary to do so :

(4) This licence may be revoked by the Director by seven days' notice in writing to the Licensee at any time, and it may be revoked forthwith by the Director by notice in writing to the Licensee in the event of any breach by the Licensee of any of the conditions herein contained ; and on the revocation of the licence or on the surrender thereof by the Licensee, the Licensee shall be entitled to the return of any unexhausted balance of the sum paid under Condition (2), less any sum due to the Director.

(5) Any notice under this licence from the Director to the Licensee shall be sufficiently given if left at or sent by post addressed to him at the address first mentioned in the Schedule hereto or the Licensee's last known or usual place of address.

3. Neither the granting of this licence nor anything contained therein constitutes or implies any agreement between the Director or the Post Office and the Licensee (or any undertaking or obligation whatsoever on the part of the Director or the Post Office) with respect to, or to the posting, transmission or delivery of, any postal packet whatsoever.

4. This licence shall come into force on and shall expire one year from that date, unless renewed by the Director.

Dated

Signed by the Director or a person authorized by him to act in that behalf

Signed by the Licensee

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SCHEDULE 2.

Regulation 4(b).

BUSINESS REPLY LICENCE No.

TO:-

(hereinafter called “the Licensee”)

1. Subject to the conditions hereinafter mentioned, the Director of Postal Services (hereinafter called “the Director”) hereby gives licence and authority for:

(1) the posting in Gibraltar of business reply packets without prepayment of postage to an address or addresses specified in the Schedule hereto, being an address or addresses of the Licensee or of his agent named therein ;

(2) the provision by the Licensee, and use by persons sending business reply packets to such an address of the necessary cards, letter cards, envelopes, folders and labels, including the provision of such labels by the incorporation in advertisements in newspapers and other publications of a form or address label intended to be cut out and used as a label adhering completely to a card or envelope.

2. This licence is granted on and subject to the following conditions:-

(1) The Licensee shall pay in advance as a deposit on account of postage and delivery fees payable in respect of such business reply packets as may be posted without prepayment of postage and received by him or by his agent, such sum of money as the Director shall deem sufficient to cover the postage and delivery fees likely to be incurred during a period of one month, and shall thereafter from time to time (as and whenever requested by the Director) during the continuance of this licence pay in advance on account of postage and delivery fees likely to be incurred during subsequent periods, such sums as the Director may deem necessary, and if and so long as the Licensee is the licensee in respect of a freepost licence and the Director thinks fit, the Licensee shall (instead of making separate payments in advance of postage and delivery fees on business reply packets and postage and delivery fees on freepost packets) from time to time (as and whenever requested by the Director) make single payments in advance of such sums as the Director may deem necessary on account of postage and delivery fees likely to be incurred by the Licensee on business reply packets and on freepost packets and the Director may dispense with the payment of an initial deposit under this condition.

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(2) The conditions of this licence may be varied or added to from time to time by the Director by notice in writing to the Licensee if and so far as the Director may consider it necessary to do so.

(3) This licence may be revoked by the Director by seven day's notice in writing to the Licensee at any time and it may be revoked forthwith by the Director by notice in writing to the Licensee in the event of any breach by the Licensee of any of the conditions herein contained ; and on the revocation of the licence or on the surrender thereof by the Licensee, the Licensee shall be entitled to the return of any unexhausted balance of the sum paid under Condition (1) hereof, less any sum due to the Director.

(4) Any notice under this licence from the Director to the Licensee shall be sufficiently given if left at or sent by post addressed to him at the address first mentioned in the Schedule hereto or the Licensee's last known or usual place of address.

3. Neither the granting of this licence nor anything contained therein constitutes or implies any agreement between the Director or the Post Office and the Licensee (or any undertaking or obligation whatsoever on the part of the Director or the Post Office) with respect to, or to the posting, transmission or delivery of, any card, envelope, folder or packet whatsoever.

4. This licence shall come into force on and shall expire one year from that date, unless renewed by the Director.

Dated

Signed by the Director or a person authorized by him to act in that behalf

Signed by the licensee

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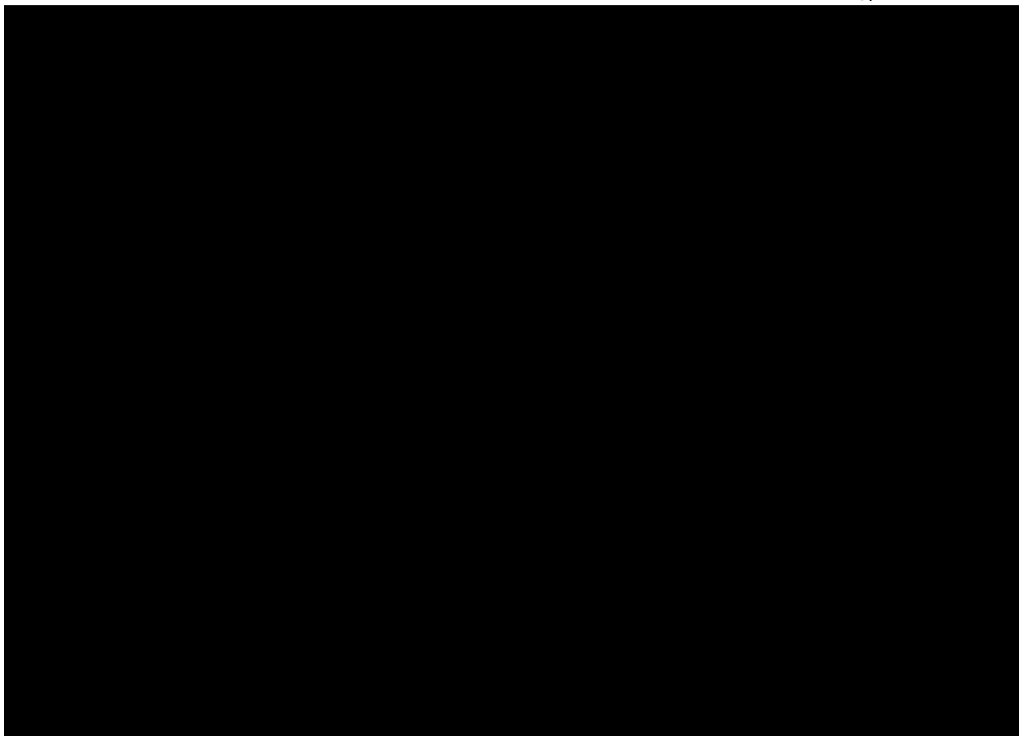
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SCHEDULE 3

Regulation 13.

Design showing permitted tolerances.



All dimensions in millimetres.

Note amended by substituting of the figure “100” denoting the minimum length by the figure “140” and by the substitution of the figure “70” denoting the minimum width by the figure “90”

SCHEDULE 4

Regulation 4(c)

INTERNATIONAL BUSINESS REPLY LICENCE NO.

TO:

(hereinafter called “the Licensee”)

1. Subject to the conditions hereinafter mentioned, the Director of Postal Services (hereinafter called “the Director”) hereby gives licence and authority for-

(1) the posting abroad of international business reply packets without prepayment of postage to an address or addresses specified in the Schedule hereto, being an address or addresses of the Licensee or of his agent therein;

(2) the provision by the Licensee, and use by persons sending international business reply packets to such an address of the necessary cards, letter cards, envelopes, folders and labels, including the provision of such labels by the incorporation in advertisements in newspaper and other publications of a form or address label intended to be cut out and used as a label adhering completely to a card or envelope.

2. This licence is granted on and subject to the following conditions-

(1) the Licensee shall pay in advance as a desposit on account of postage payable in respect of such international business reply packets as may be posted without prepayment of postage and received by him or by his agents, such sum of money as the Director shall deem sufficient to cover the postage and delivery fees likely to be incurred during a period of one month and shall thereafter from time to time (as and whenever requested by the Director) during the continuance of this licence pay in advance on account of postage likely to be incurred during subsequent periods, such sums as the Director may deem necessary, and if and so long as the Licensee is the licensee in respect of an international business reply licence and the Director thinks fit, the Licensee shall (instead of making separate payments in advance of postage on international business reply packets) from time to time (as and whenever requested by the Director) make single payments in advance of such sums as the Director may deem necessary on account of postage likely to be incurred by the Licensee on international business reply packets and the Director may dispense with the payment of an initial deposit under this condition.

(2) The conditions of this licence may be varied or added to from time to time by the Director by notice in writing to the Licensee if and so far as the Director may consider it necessary to do so.

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(3) This licence may be revoked by the Director by seven days notice in writing to the Licensee at any time, and it may be revoked forthwith by the Director by notice in writing to the Licensee in the event of any breach by the Licensee of any of the conditions herein contained; and on the revocation of the licence or on the surrender thereof by the Licensee, the Licensee shall be entitled to the return of any un-exhausted balance of the sum paid under Condition (2), less any sum due to the Director.

(4) Any notice under this licence from the Director to the Licensee shall be sufficiently given if left at or sent by post addressed to him at the address first mentioned in the Schedule hereto or the Licensee's last known or usual place of address.

3. Neither the granting of this licence nor anything contained therein constitutes or implies any agreement between the Director or the Post Office and the Licensee (or any undertaking or obligation whatsoever on the part of the Director or the Post Office) with respect to, or to the posting, transmission or delivery of, any postal packet whatsoever.

4. This licence shall come into force on _____ and shall expire one year from the date, unless renewed by the Director.

Dated.

Signed by the Director or a person)
authorised by him to act in that behalf)

Signed by the Licensee)

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SCHEDULE 5

Regulation 13C

Design showing permitted tolerances

All figures denoted minimum dimensions in millimetres.