

Draft Order laid before Parliament under section 122(12) of the Postal Services Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2003 No.

POSTAL SERVICES

**The Postal Services Act 2000
(Consequential Modifications) Order 2003**

Made - - - - 2003
Coming into force - - 2003

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with section 122(12) of the Postal Services Act 2000⁽¹⁾;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon her by sections 122(2) and 127(1) and (2) of that Act, hereby makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Postal Services Act 2000 (Consequential Modifications) Order 2003.

(2) This Order shall come into force on the day after the day on which it is made.

(3) This Order does not extend to the Channel Islands or the Isle of Man.

(4) Subject to paragraph (3), any modification by this Order of an enactment has the same extent as the enactment modified.

Post Office Works Act 1959 and Post Office Subway Act 1966

2.—(1) Any provision of the Post Office Works Act 1959⁽²⁾, and the Post Office Subway Act 1966⁽³⁾, which was in force immediately before the day on which this Order comes into force and contained references to the Post Office shall (including references which have effect as such references), so far as necessary for preserving its effect on and after that day, have effect as if those references were references to the Post Office company.

(2) Subject to paragraph (3), any function exercisable by the Post Office company by virtue of paragraph (1) shall be exercisable concurrently by any relevant subsidiary of the Post Office

(1) 2000 c. 26.

(2) 1959 c. 43, as amended by section 22 of the Post Office Act 1969 (c. 48.).

(3) 1966 c. 25, as amended by section 22 of the Post Office Act 1969 (c. 48.).

company; and references which have effect by virtue of paragraph (1) as references to the Post Office company shall be construed accordingly.

(3) Anything which by virtue of this paragraph must be done by or in relation to the Post Office company and any relevant subsidiary of the Post Office company shall, so far as the context permits, be taken as done if it is done by or in relation to one of them.

(4) In the Acts to which this article applies references to the purpose or purposes of the Post Office shall be construed as references to the purpose or purposes of the businesses of the Post Office company and its relevant subsidiaries so far as those businesses relate to the provision of postal services.

(5) In this article “the Post Office company” and “relevant subsidiary” have the same meanings as in Part IV of the Postal Services Act 2000.

Other modifications

3.—(1) The amendments specified in Schedule 1 shall have effect.

(2) The repeals and revocations specified in Schedule 2 shall have effect.

Transitional and saving provisions

4.—(1) The repeal by this Order of the entry relating to the provision of a universal postal service in Schedule 4 to the Public Health Act 1961⁽⁴⁾ does not affect any permission granted, annulment made, or confirmation given, by virtue of that section before the coming into force of this Order.

(2) The modifications in this Order to the Theft Act 1968⁽⁵⁾ and the Theft Act (Northern Ireland) 1969⁽⁶⁾ do not apply in relation to offences committed before the coming into force of this Order.

(3) The repeal by this Order of a saving on the previous repeal of an enactment does not affect the operation of the saving so far as it remains capable of having effect.

Minister of State for Energy, E-Commerce and
Postal Services
Department of Trade and Industry

2003

⁽⁴⁾ 1961 c. 64.

⁽⁵⁾ 1968 c. 60.

⁽⁶⁾ 1969 c. 16 (NI).

SCHEDULE 1

Article 3(1)

AMENDMENTS

Theft Act 1968

1. In section 34(2) of the Theft Act 1968⁽⁷⁾ (interpretation), at the end of paragraph (b) insert—
“; and
(c) “mail bag” and “postal packet” have the meanings given by section 125(1) of the Postal Services Act 2000.”

Theft Act (Northern Ireland) 1969

2. In section 32(2) of the Theft Act (Northern Ireland) 1969⁽⁸⁾ (interpretation), at the end of paragraph (c) insert—
“; and
(d) “mail bag” and “postal packet” have the meanings given by section 125(1) of the Postal Services Act 2000.”

Post Office Act 1969

3. In section 139(3) of the Post Office Act 1969⁽⁹⁾ for the words “the Post Office”, in each place where they occur, substitute the words “a universal service provider (within the meaning of the Postal Services Act 2000) in connection with the provision of a universal postal service (within the meaning of that Act)”.

SCHEDULE 2

Article 3(2)

REPEALS AND REVOCATIONS

<i>Reference</i>	<i>Short title or title</i>	<i>Extent of repeal or revocation</i>
1961 c. 64.	The Public Health Act 1961.	In Schedule 4, the entry relating to the provision of a universal postal service.
1969 c. 48.	The Post Office Act 1969.	Sections 137(1), 137(2), 137(4) and 141. In section 86(1), the definition of “accounting year” Schedule 4, paragraphs 14, 30 and 70. Schedule 8. In Schedule 9, paragraph 14.

⁽⁷⁾ 1968 c. 60.
⁽⁸⁾ 1969 c. 16 (NI).
⁽⁹⁾ 1969 c. 48.

<i>Reference</i>	<i>Short title or title</i>	<i>Extent of repeal or revocation</i>
		Schedule 11.
1968 c. 60.	The Theft Act 1968.	Section 14(3).
1969 c. 16. (NI).	The Theft Act (Northern Ireland) 1969.	Section 14(3). In section 32(2), the word “and” immediately before paragraph (c).
1981 c. 38.	The British Telecommunications Act 1981.	In Schedule 3, paragraph 51(7).
S.I. 2001/1149	The Postal Services Act 2000 (Consequential Modifications No.1) Order 2001.	In Schedule 1, paragraphs 18 and 38.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes consequential and supplementary provision in connection with the commencement of the provisions of the Postal Services Act 2000.

Article 1 provides for citation, commencement and extent. Article 1(3) provides that the Order does not extend to the Isle of Man and the Channel Islands. Article 1(4) provides that subject to Article 1(3), the modifications in the Order have the same extent as the Act modified.

Article 2 provides that references to the Post Office in the Post Office Works Act 1959 and the Post Office Subway Act 1966 are to have effect as if they were references to the Post Office company and its relevant subsidiaries.

Article 3 gives effect to the modifications specified in Schedule 1 (amendments) and Schedule 2 (repeals and revocations).

Article 4 makes transitional and saving provisions. Article 4(1) provides that the repeal of the entry in Schedule 4 to the Public Health Act 1961 does not affect permissions granted under that section before the coming into force of this Order. Article 4(2) provides that the amendments to the Theft Act 1968 and the Theft Act (Northern Ireland) 1969 do not apply in relation to offences committed before the coming into force of this Order. Article 4(3) provides that the repeal of a saving on the previous repeal of an enactment does not affect the operation of the saving so far as it remains capable of having effect.

Schedule 1 makes three consequential amendments. Paragraphs 1 and 2 of Schedule 1 insert the terms “mail bag” and “postal packet” (as defined in section 125(1) of the Postal Services Act 2000) into the Theft Act of 1968 and the Theft Act (Northern Ireland) 1969. Paragraph 3 of Schedule 1 replaces the reference to “Post Office” in section 139(3) of the Post Office Act 1969 with a reference to a universal service provider, within the meaning of the Postal Services Act 2000, in connection with the provision of a universal postal service, within the meaning of that Act.

Schedule 2 makes various repeals and revocations in consequence of the Postal Services Act 2000.

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Draft Legislation: *This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Postal Services Act 2000 (Consequential Modifications) Order 2003 No. 2908*