

Draft Order laid before Parliament under sections 56(4) and 89(4) of the Postal Services Act 2011, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. 0000

POSTAL SERVICES

**The Postal Services Act 2011
(Disclosure of Information) Order 2012**

Made - - - - 2012

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by section 56(2), (3) and (4) of the Postal Services Act 2011⁽¹⁾.

In accordance with section 89(4) of that Act a draft of this Order was laid before and approved by a resolution of each House of Parliament.

Citation and Commencement

1.—(1) This Order may be cited as the Postal Services Act 2011 (Disclosure of Information) Order 2012.

(2) This Order comes into force on the day following the day on which it is made.

Interpretation

2. In this Order, “the Act” means the Postal Services Act 2011.

Prescription of bodies and persons

3. Each of the following is a prescribed body or other person for the purposes of section 56(2) (d) of the Act—

the Civil Aviation Authority;

the Coal Authority;

the Competition Commission;

the Consumer Panel (as established under section 16(2) of the Communications Act 2003⁽²⁾);

(1) 2011 c.5.
(2) 2003 c.21.

any district council in Northern Ireland;
the Financial Services Authority;
the Gas and Electricity Markets Authority;
the Health and Safety Executive;
the Health and Safety Executive for Northern Ireland;
the Insolvency Practitioners Tribunal;
any local weights and measures authority in Great Britain;
any Minister of the Crown;
the National Consumer Council;
the Northern Ireland Authority for Utility Regulation;
any Northern Ireland department;
any Northern Ireland Minister;
the Office of Fair Trading;
the Office of Rail Regulation;
any official receiver in England, Wales or Northern Ireland;
any Scottish Minister;
the Treasury;
the Water Appeals Commission for Northern Ireland;
the Water Services Regulation Authority.

Prescription of enactments

4. Each of the following is a prescribed enactment for the purposes of section 56(2)(d) or (f) of the Act—

the Industrial and Provident Societies Act 1965**(3)**;
the Industrial and Provident Societies Act 1967**(4)**;
the Trade Descriptions Act 1968**(5)**;
the Friendly and Industrial and Provident Societies Act 1968**(6)**;
the Fair Trading Act 1973**(7)**;
the Health and Safety at Work etc. Act**(8)**;
the Consumer Credit Act 1974**(9)**;
the Friendly Societies Act 1974**(10)**;
the Industrial and Provident Societies Act 1975**(11)**;

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- (3) 1965 c.12. The Act will be re-named the Co-operative and Community Benefit Societies and Credit Unions Act 1965 upon commencement of section 2 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (c.7).
- (4) 1967 c.48. The Act will be re-named the Co-operative and Community Benefit Societies and Credit Unions Act 1967 upon commencement of section 2 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010.
- (5) 1968 c.29.
- (6) 1968 c.55. The Act will be re-named the Co-operative and Community Benefit Societies and Credit Unions Act 1968 upon commencement of section 2 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010.
- (7) 1973 c.41.
- (8) 1974 c.37.
- (9) 1974 c.39.
- (10) 1974 c.46.
- (11) 1975 c.41. The Act will be re-named the Co-operative and Community Benefit Societies Act 1975 upon commencement of section 2 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010.

the Industrial and Provident Societies Act 1978**(12)**;
the Credit Unions Act 1979**(13)**;
the Estate Agents Act 1979**(14)**;
the Competition Act 1980**(15)**;
the Solicitors (Scotland) Act 1980**(16)**;
the Telecommunications Act 1984**(17)**;
the Companies Act 1985**(18)**;
the Airports Act 1986**(19)**;
the Gas Act 1986**(20)**;
the Insolvency Act 1986**(21)**;
the Company Directors Disqualification Act 1986**(22)**;
the Building Societies Act 1986**(23)**;
the Consumer Protection Act 1987**(24)**;
the Water Act 1989**(25)**;
the Electricity Act 1989**(26)**;
the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990**(27)**;
the Courts and Legal Services Act 1990**(28)**;
the Broadcasting Act 1990**(29)**;
the Property Misdescriptions Act 1991**(30)**;
the Water Industry Act 1991**(31)**;
the Water Resources Act 1991**(32)**;
the Friendly Societies Act 1992**(33)**;
the Railways Act 1993**(34)**;
the Coal Industry Act 1994**(35)**;

(12) 1978 c.34. The Act will be re-named the Co-operative and Community Benefit Societies Act 1978 upon commencement of section 2 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010.

(13) 1979 c.34.

(14) 1979 c.38.

(15) 1980 c.21.

(16) 1980 c.46.

(17) 1984 c.12.

(18) 1985 c.6.

(19) 1986 c.31.

(20) 1986 c.44.

(21) 1986 c.45.

(22) 1986 c.46.

(23) 1986 c.53.

(24) 1987 c.43.

(25) 1989 c.15.

(26) 1989 c.29.

(27) 1990 c.40.

(28) 1990 c.41.

(29) 1990 c.42.

(30) 1991 c.29.

(31) 1991 c.56.

(32) 1991 c.57.

(33) 1992 c.40.

(34) 1993 c.43.

(35) 1994 c.21.

the Employment Rights Act 1996**(36)**;
the Competition Act 1998**(37)**;
the Financial Services and Markets Act 2000**(38)**;
the Regulation of Investigatory Powers Act 2000**(39)**;
the Postal Services Act 2000**(40)**;
the Utilities Act 2000**(41)**;
Part I of the Transport Act 2000 **(42)**;
the Insolvency Act 2000**(43)**;
the Transport (Scotland) Act 2001**(44)**;
the Industrial and Provident Societies Act 2002**(45)**;
the Enterprise Act 2002**(46)**;
the Communications Act 2003**(47)**;
the Water Act 2003**(48)**;
the Consumer Credit Act 2006**(49)**;
the Companies Act 2006**(50)**;
the Consumers, Estate Agents and Redress Act 2007**(51)**;
the Legal Services Act 2007**(52)**;
Schedule 7 to the Counter-Terrorism Act 2008**(53)**;
the Health and Safety at Work (Northern Ireland) Order 1978**(54)**;
the Audit (Northern Ireland) Order 1987**(55)**;
the Insolvency (Northern Ireland) Order 1989**(56)**;
the EEC Merger Control (Distinct Market Investigations) Regulations 1990**(57)**;
the Electricity (Northern Ireland) Order 1992**(58)**;
Part IV of the Airports (Northern Ireland) Order 1994**(59)**;

(36) 1996 c.18.

(37) 1998 c.41.

(38) 2000 c.8.

(39) 2000 c.23.

(40) 2000 c.26.

(41) 2000 c.27.

(42) 2000 c.38.

(43) 2000 c.39.

(44) 2001 asp 2.

(45) 2002 c.20. The Act will be renamed the Co-operative and Community Benefit Societies and Credit Unions Act 2002 upon commencement of section 2 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (c.7).

(46) 2002 c.40.

(47) 2003 c.21.

(48) 2003 c.37.

(49) 2006 c.14.

(50) 2006 c.46.

(51) 2007 c.17.

(52) 2007 c.29.

(53) 2008 c.28.

(54) S.I. 1978/1039 (N.I. 9).

(55) S.I. 1987/460 (N.I. 5).

(56) S.I. 1989/2405 (N.I. 19).

(57) S.I. 1990/1715.

(58) S.I. 1992/231 (N.I. 1).

(59) S.I. 1994/426 (N.I. 1).

the Gas (Northern Ireland) Order 1996(60);
the Water (Northern Ireland) Order 1999(61);
the Unfair Terms in Consumer Contracts Regulations 1999(62);
the Consumer Protection (Distance Selling) Regulations 2000(63);
the Sale and Supply of Goods to Consumers Regulations 2002(64);
the Energy (Northern Ireland) Order 2003(65);
the Competition Act 1998 (Concurrency) Regulations 2004(66);
the Financial Services (Distance Marketing) Regulations 2004(67);
the Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005(68);
the Water and Sewerage Services (Northern Ireland) Order 2006(69);
the Money Laundering Regulations 2007(70);
the Business Protection from Misleading Marketing Regulations 2008(71);
the Consumer Protection from Unfair Trading Regulations 2008(72);
the Payment Services Regulations 2009(73).

Prescription of other circumstances and purposes

5. Each of the following is a prescribed circumstance or purpose for the purposes of section 56(2) (h) of the Act—

- (a) the carrying out by the Comptroller and Auditor General, or the Comptroller and Auditor General for Northern Ireland, of any of their functions under any enactment;
- (b) complying with any international obligation of the United Kingdom;
- (c) the conduct of negotiations by the Secretary of State with representatives of the government of a country outside the United Kingdom;
- (d) the provision of information, by or with the consent of the Secretary of State, to any international organisation of which the United Kingdom is a member.

(60) S.I. 1996/275 (N.I. 2).

(61) S.I. 1999/662 (N.I. 6).

(62) S.I. 1999/2083.

(63) S.I. 2000/2334.

(64) S.I. 2002/3045.

(65) S.I. 2003/419 (N.I. 6).

(66) S.I. 2004/1077.

(67) S.I. 2004/2095.

(68) S.I. 2005/3172.

(69) S.I. 2006/3336 (N.I. 21).

(70) S.I. 2007/2157.

(71) S.I. 2008/1276.

(72) S.I. 2008/1277.

(73) S.I. 2009/209.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Postal Services Act 2011 (Disclosure of Information) Order 2012 ISBN 978-0-11-152102-1

Date

Parliamentary Under Secretary of State for
Employment Relations, Consumer and Postal
Affairs
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

Section 56 of the Postal Services Act 2011 (c.5) (“the Act”) imposes a general prohibition on the disclosure of information that relates to an individual or particular business and is obtained by virtue of Part 3 (Regulation of Postal Services) of the Act (“information”), except as permitted by the section.

Subsection (2) provides certain exemptions to the general prohibition. Subsections (2)(a), (b) and (c) have the effect of permitting disclosure of information with the consent of those concerned and to facilitate the carrying out of functions of OFCOM, the Secretary of State, the Treasury or the Competition Commission under the Act. Subsections (2)(d), (f) and (h) gives the Secretary of State the power to prescribe, by Order, further persons, enactments, circumstances or purposes by or for the purposes of which disclosure of information is permitted.

This Order provides that the Secretary of State prescribes persons, enactments, circumstances or purposes for the purposes of disclosure of information permitted under section 56 of the Act.

Taken together with the exemptions to the general prohibition on disclosure provided in section 56(2), the provisions of this Order have the effect of creating a disclosure regime comparable to the (now repealed) permitted disclosure regime in Schedule 7 to the Postal Services Act 2000 (c.26).

Article 1 provides that the Order shall come into force on the day following that on which it is made.

Article 3 prescribes certain bodies and persons (“prescribed persons”), with the effect that disclosure of information is permitted under section 56(2)(d) of the 2011 Act, for the purposes of facilitating their carrying out of any functions under enactments prescribed by article 4.

Article 4 prescribes enactments so as to permit, under subsection 2(d) of the Act, disclosure of information by prescribed persons to facilitate the carrying out of their functions under those enactments. Disclosure of information for the purposes of civil proceedings brought under those enactments is also permitted, under subsection (2)(f) of the Act.

Article 5 prescribes certain other circumstances and purposes, with the effect that disclosure of information in and for those circumstances and purposes is permitted under section 56(2)(h) of the Act.