



# Postal Services Act 2000

## 2000 CHAPTER 26

An Act to establish the Postal Services Commission and the Consumer Council for Postal Services; to provide for the licensing of certain postal services and for a universal postal service; to provide for the vesting of the property, rights and liabilities of the Post Office in a company nominated by the Secretary of State and for the subsequent dissolution of the Post Office; to make further provision in relation to postal services; and for connected purposes. [28th July 2000]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act: transfer of functions (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), [ss. 30\(3\)\(b\)](#), [66\(2\)](#) (with [s. 6\(9\)](#), [Sch. 3](#)); [S.I. 2008/2550](#), [art. 2](#), [Sch.](#)
- C2 Act: transfer of functions (1.9.2009) by [Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), [art. 2\(1\)](#)

## PART I

### INTRODUCTORY

#### <sup>F1</sup> **The Postal Services Commission.**

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*Status: Point in time view as at 24/01/2013.*

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**Textual Amendments**

**F1** S. 1 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 2](#); S.I. 2011/2329, art. 3

**F<sup>2</sup> The Consumer Council for Postal Services.**

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**Textual Amendments**

**F2** S. 2 repealed (21.12.2007 for specified purposes, 1.10.2008 in so far as not already in force) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), s. 66(2), [Sch. 8](#); S.I. 2007/3546, art. 3, [Sch.](#); S.I. 2008/2550, art. 2, [Sch.](#)

**F<sup>3</sup> Duty of the Commission to ensure provision of a universal postal service.**

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**Textual Amendments**

**F3** Ss. 3-5 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 2](#); S.I. 2011/2329, art. 3

**F<sup>3</sup>4 Provision of a universal postal service: meaning.**

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**Textual Amendments**

**F3** Ss. 3-5 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 2](#); S.I. 2011/2329, art. 3

**F<sup>3</sup>5 Other duties of the Commission in the consumer interest.**

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**Textual Amendments**

**F3** Ss. 3-5 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 2](#); S.I. 2011/2329, art. 3

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## PART II

### LICENCES FOR POSTAL SERVICES

#### *Restriction on provision of postal services*

#### **F<sup>4</sup>6** Restriction on provision of postal services.

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##### **Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

#### **F<sup>4</sup>7** Exceptions from section 6.

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##### **Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

#### **F<sup>4</sup>7A**

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##### **Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

#### **F<sup>4</sup>8** Power to modify section 7 by order.

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##### **Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

#### **F<sup>4</sup>9** General power to suspend the restriction.

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329, art. 3](#)

**F<sup>4</sup>10 Emergency power to suspend the restriction.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329, art. 3](#)

*Licences*

**F<sup>4</sup>11 Licences: general.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329, art. 3](#)

**F<sup>4</sup>12 Licences: grant.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329, art. 3](#)

**F<sup>4</sup>12A Licences: refusal**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329, art. 3](#)

**F<sup>4</sup>12B Licences: determination of applications**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**<sup>F4</sup>13 Licences: conditions and other provisions.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

*Modification of licences*

**<sup>F4</sup>14 Modification of licences by agreement.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**<sup>F4</sup>15 References to the Competition Commission.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**<sup>F4</sup>15A References under section 15: time limits**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**<sup>F4</sup>15B <sup>F5</sup> References under section 15: application of Enterprise Act 2002**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329, art. 3](#)
- F5** Ss. 15A and 15B inserted (20.06.2003) by [2002 c. 40](#), ss. 278(1), 279, [Sch. 25 para. 42\(2\)](#)

**F<sup>4</sup>16 Reports on references.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329, art. 3](#)

**F<sup>4</sup>16A Reports on references under section 15: further provision**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329, art. 3](#)

**F<sup>4</sup>17 Modification following report.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329, art. 3](#)

**F<sup>4</sup>18 Power of intervention of the Competition Commission.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329, art. 3](#)

**F<sup>4</sup>19 Procedural requirements in relation to modifications.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>19A Sections 18 and 19: further provision**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>6</sup>20 Application of competition legislation to references etc.**

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**Textual Amendments**

- F6** S. 20 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 42\(5\)](#), [Sch. 26](#); [S.I. 2003/1397](#), art. 2(1), [Sch.](#) (with art. 8)

**F<sup>4</sup>21 Modification by order under other enactments.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**Modifications etc. (not altering text)**

- C3** S. 21(2)(a) amended (20.6.2003) by [Enterprise Act 2002 \(Protection of Legitimate Interests\) Order 2003 \(S.I. 2003/1592\)](#), art. 1(1), [Sch. 4 para. 16](#)

*Enforcement orders*

**F<sup>4</sup>22 Final orders.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

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**F<sup>4</sup>23 Provisional orders.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>24 Confirmation of provisional orders.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>25 Exceptions from duty to make or confirm enforcement orders.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>26 Enforcement orders: main procedural requirements.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>27 Enforcement orders: further procedural requirements.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>28 Validity of enforcement orders.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>29 Effect of enforcement orders.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

*Financial penalties*

**F<sup>4</sup>30 Financial penalties.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>31 Statement of policy in relation to penalties.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>32 Imposition of penalties: main procedural requirements.**

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**Textual Amendments**

- F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>33 Penalties: further procedural requirements.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>34 Time-limits on the imposition of penalties.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>35 Interest and payments by instalment.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>36 Appeals.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>37 Recovery of penalties.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

*Miscellaneous*

**F<sup>4</sup>38 Register.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>39 Recovery of costs of the Council etc.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>39A Licences and the new arrangements**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>40 Directors' remuneration.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

**F<sup>4</sup>41 Free services for the blind and partially sighted.**

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**Textual Amendments**

**F4** Ss. 6-41 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 3](#); [S.I. 2011/2329](#), art. 3

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**PART III**

OTHER FUNCTIONS OF THE COMMISSION AND THE COUNCIL

*The Commission*

**F7 42 Duties in relation to public post offices.**

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**Textual Amendments**

**F7** Ss. 42-50 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 4](#); [S.I. 2011/2329](#), art. 3

**F7 43 Duties in relation to social and environmental matters.**

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**Textual Amendments**

**F7** Ss. 42-50 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 4](#); [S.I. 2011/2329](#), art. 3

**F7 44 Review and information.**

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**Textual Amendments**

**F7** Ss. 42-50 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 4](#); [S.I. 2011/2329](#), art. 3

**F7 45 Annual and other reports: the Commission.**

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**Textual Amendments**

**F7** Ss. 42-50 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 4](#); [S.I. 2011/2329](#), art. 3

**F7 46 Publication of information and advice: the Commission.**

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**Textual Amendments**

**F7** Ss. 42-50 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 4](#); [S.I. 2011/2329](#), art. 3

**F7 47 Power of the Commission to require information.**

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**Textual Amendments**

**F7** Ss. 42-50 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 4](#); [S.I. 2011/2329](#), art. 3

**F7 48 Information powers: enforcement.**

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**Textual Amendments**

**F7** Ss. 42-50 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 4](#); [S.I. 2011/2329](#), art. 3

**F7 49 Powers of entry and seizure.**

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**Textual Amendments**

**F7** Ss. 42-50 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 4](#); [S.I. 2011/2329](#), art. 3

**F7 50 Codes of practice.**

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**Textual Amendments**

**F7** Ss. 42-50 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 4](#); [S.I. 2011/2329](#), art. 3

*The Council*

**51 Relevant postal issues.**

In this section and sections 52 to 57—

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“relevant postal issues” means the interests of users of relevant postal services in the United Kingdom and matters affecting those interests,

“relevant postal services” means any postal services provided in connection with the provision of a universal postal service and any other postal services which are provided, or authorised or required to be provided, by a licence holder under Part II in accordance with a licence under that Part,

and, for this purpose, services are provided in accordance with a licence if the licence authorises or requires them to be provided by the licence holder.

## **52 Provision of advice and information to public authorities and licence holders.**

(1) The Council shall—

- (a) provide advice and information,
- (b) represent the views of users of relevant postal services, and
- (c) make proposals,

about relevant postal issues to any person mentioned in subsection (2).

(2) Those persons are—

- (a) the Secretary of State, the Commission, the Competition Commission and any other public authority,
- (b) any universal service provider,
- (c) any licence holder under Part II who is not a universal service provider, and
- (d) any other person whose activities may affect the interests of users of relevant postal services.

(3) So far as practicable the Council shall secure that no information relating to the affairs of a person is disclosed under this section to a person mentioned in subsection (2) (b) to (d) if the Council considers that its disclosure would or might seriously and prejudicially affect the interests of the person to whom it relates.

(4) Subsection (3) does not apply to any disclosure of information to which the person to whom the information relates consents.

## **53 Publication of information to users.**

(1) The Council shall make available to users of relevant postal services such information as it considers expedient to give to such users about—

- (a) relevant postal services,
- (b) relevant postal issues, and
- (c) itself and its functions.

(2) The Council may perform its function under subsection (1) by—

- (a) publishing information in such form and manner as the Council considers appropriate, or
- (b) furnishing any such information to any user of relevant postal services (whether in response to a request or otherwise).

(3) So far as practicable the Council shall secure that no information relating to the affairs of a person is disclosed under this section if the Council considers that its disclosure would or might seriously and prejudicially affect the interests of the person to whom it relates.

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- (4) Subsection (3) does not apply to any disclosure of information to which the person to whom the information relates consents.

#### **54 Exercise of functions: general.**

- (1) The Council shall, in exercising its functions in relation to relevant postal services, have regard to the interests of different users of relevant postal services (including, in particular, the interests of users in different areas).
- (2) The Council shall, in exercising its functions, have regard to the interests of—
- (a) individuals who are disabled or chronically sick,
  - (b) individuals of pensionable age,
  - (c) individuals with low incomes, and
  - (d) individuals residing in rural areas,
- but that is not to be taken as implying that regard may not be had to the interests of other descriptions of persons.
- (3) So far as the Council considers it practicable to do so with a view to facilitating the exercise of its functions, it shall collect and keep under review information about—
- (a) the provision (in the United Kingdom and elsewhere) of postal services, and
  - (b) the interests and views of users of postal services in the United Kingdom and matters affecting those interests and views.
- (4) As part of the arrangements it makes for exercising its functions, the Council—
- (a) shall establish—
    - (i) a committee for Scotland,
    - (ii) a committee for Wales, and
    - (iii) a committee for Northern Ireland,
  - (b) may establish other committees for any areas within Scotland, Wales or Northern Ireland, and
  - (c) shall establish at least one committee, and may establish other committees, in relation to England (whether a committee for England or a committee for an area within England).
- (5) The purposes of a committee established under subsection (4) (in this Act referred to as a “regional committee”) shall be—
- (a) the provision of advice and information to the Council about relevant postal issues affecting the area for which it is established, and
  - (b) such other purposes as the Council may determine.
- (6) The Council shall maintain in each of England, Scotland, Wales and Northern Ireland at least one office at which users of relevant postal services may apply for information.

#### **55 Annual and other reports: the Council.**

- (1) The Council shall, as soon as practicable after the end of each financial year, make a report to the Secretary of State on its activities during that year (“the annual report”).
- (2) The Secretary of State shall—
- (a) lay a copy of each annual report before each House of Parliament, and
  - (b) publish the report in such manner as he considers appropriate.

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- (3) The Council may prepare other reports in relation to any matter falling within the scope of its functions and may publish any such report in such manner as it considers appropriate.
- (4) A report under this section shall contain such information as may be specified in any direction given to the Council by the Secretary of State.
- (5) So far as practicable the Council shall secure the exclusion from any report under this section of any matter relating to the affairs of a person if the Council considers that its inclusion would or might seriously and prejudicially affect the person's interests.
- (6) Subsection (5) does not apply if the person concerned consents to inclusion of the matter in the report.

## **56 Complaints referred to the Council.**

- (1) Where a matter which relates to the provision of relevant postal services is referred to the Council by or on behalf of a user of such services and—
  - (a) the matter has previously been the subject of a complaint to the person providing the service concerned,
  - (b) the complaint has not been satisfactorily resolved, and
  - (c) the matter does not appear to the Council to be of a frivolous or vexatious nature,
 the Council shall investigate the matter as it considers appropriate.
- (2) Where, as the result of any such investigation, the Council considers that—
  - (a) a condition of a licence under Part II may have been contravened,
  - (b) the matter referred, or any other matter, is a referable matter, or
  - (c) it is appropriate to do so,
 it shall, as soon as practicable, refer the matter concerned to the Commission for its consideration.
- (3) The Council and the Commission shall from time to time agree the descriptions of matters which are to be referred to the Commission and, for the purposes of subsection (2)(b), a matter is a “referable matter” if it is of a description for the time being so agreed.

## **57 Power of the Council to investigate other matters.**

- (1) The Council may investigate—
  - (a) any matter (not being a matter which it is under a duty to investigate under section 56) which it considers to be a matter relating to the interests of users of relevant postal services, and
  - (b) any matter relating to the number and location of public post offices.
- (2) The Council may send a report on any matter investigated under this section to—
  - (a) the Commission,
  - (b) the Secretary of State,
  - [<sup>F8</sup>(c) the Office of Fair Trading,]
  - (d) any other public authority whose functions appear to the Council to be exercisable in relation to that matter.



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- (3) Subject to subsection (4), the Council may also—
  - (a) send a report on any such matter to any person who appears to the Council to have an interest in the matter, and
  - (b) publish any such report in such manner as the Council considers appropriate.
- (4) So far as practicable the Council shall secure the exclusion from any report under subsection (3) of any matter relating to the affairs of a person if the Council considers that its inclusion would or might seriously and prejudicially affect the person's interests.
- (5) Subsection (4) does not apply if the person concerned consents to inclusion of the matter in the report.

#### Textual Amendments

- F8** S. 57(2)(c) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 42\(6\); S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))

## 58 Power of the Council to require information.

- (1) The Council may serve notice on any person mentioned in subsection (2) requiring him—
  - (a) to supply to the Council such information specified or described in the notice as the Council may reasonably require in the exercise of its functions, and
  - (b) to supply it at a time and place and in a form and manner so specified and to a person so specified.
- (2) The persons on whom a notice under subsection (1) may be served are—
  - (a) the Commission,
  - (b) a universal service provider,
  - (c) any licence holder under Part II who is not a universal service provider.
- (3) In deciding whether to serve a notice under this section and the contents of any such notice, the Council shall have regard to the desirability of minimising the costs of, and any other detriment to, the person on whom the notice may be, or is to be, served.
- (4) Subject to subsections (5) to (7), a person on whom a notice is served under this section shall comply with the notice.
- (5) The Commission may refuse to supply information required from it by a notice under this section if subsection (7) applies.
- (6) A person falling within subsection (2)(b) or (c) may refuse to supply information required from him by a notice under this section if the Commission determines that he need not comply with the notice; and the Commission may so determine if subsection (7) applies.
- (7) This subsection applies if the Commission considers that—
  - (a) the information concerned is not reasonably required by the Council in the exercise of its functions,
  - (b) the information concerned is of a description specified in an order made by the Secretary of State, or

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- (c) any other circumstances so specified apply.
- (8) The Commission shall, if required by the Council to do so, give a statement to the Council of its reasons for—
- (a) a refusal to supply information under this section,
  - (b) a determination under subsection (6),
- and the Council may publish that statement in such manner as it considers appropriate.
- (9) No person shall be required under this section—
- (a) to produce any documents which he could not be compelled to produce in civil proceedings before the court, or
  - (b) to supply any information which he could not be compelled to supply in evidence in such proceedings.
- (10) If a person makes default in complying with a notice under this section, the court may, on the application of the Council, make such order as the court considers appropriate for requiring the default to be made good.
- (11) Any such order may, in particular, provide that all the costs or expenses of and incidental to the application shall be borne—
- (a) by the person in default, or
  - (b) if officers of a company or other association are responsible for its default, by those officers.
- (12) In this section, “the court”—
- (a) in relation to England and Wales or Northern Ireland, means the High Court, and
  - (b) in relation to Scotland, means the Court of Session.

*The Commission and the Council*

**59 Provision of information by the Council to the Commission.**

- (1) The Council shall, as soon as practicable after being required to do so by the Commission, provide to the Commission such information relating to the exercise of the Commission’s functions as the Commission may require.
- (2) The Secretary of State may by order specify—
  - (a) descriptions of information which the Council may refuse to provide under this section, and
  - (b) circumstances in which the Council may refuse to provide information under this section.
- (3) Where the Council refuses to provide any information under this section, it shall give notice to the Commission of the reason for its refusal and the Commission may publish that notice in such manner as it considers appropriate.

**Commencement Information**

- II** S. 59 wholly in force; s. 59 not in force at Royal Assent see s. 130; s. 59(2) in force at 6.11.2000 and s. 59 in force insofar as not already in force at 1.1.2001 by [S.I. 2000/2957](#), art. 2(1)(2), [Sch. 1](#), [Sch. 2](#) (with transitional provisions in [arts. 3-8](#))

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**F<sup>9</sup>60 Memorandum of understanding.**

.....

**Textual Amendments**

**F9** Ss. 60-61A omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 5; S.I. 2011/2329, art. 3](#)

**F<sup>9</sup>61 Forward work programmes.**

.....

**Textual Amendments**

**F9** Ss. 60-61A omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 5; S.I. 2011/2329, art. 3](#)

*[<sup>F10</sup>Information*

**Textual Amendments**

**F10** S. 61A and cross-heading inserted (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\), s. 66\(2\), Sch. 5 para. 3\(3\) \(with s. 48\(3\)\); S.I. 2008/2550, art. 2, Sch.](#)

**F<sup>9</sup>61A Information relating to complaints handling standards**

.....]

**Textual Amendments**

**F9** Ss. 60-61A omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 5; S.I. 2011/2329, art. 3](#)

**PART IV**

**REORGANISATION OF THE POST OFFICE**

*Transfer of property etc.*

**62 Transfer of property etc. to nominated company.**

**F<sup>11</sup>(1)** .....

**F<sup>11</sup>(2)** .....

**F<sup>11</sup>(3)** .....

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<sup>F11</sup>(4) .....

<sup>F11</sup>(5) .....

(6) Schedule 3 (which makes supplementary provision) shall have effect.

<sup>F12</sup>(7) .....

<sup>F12</sup>(8) .....

#### Subordinate Legislation Made

**P1** S. 62 power exercised (5.1.2001) by [S.I. 2001/8, art. 3](#)

#### Textual Amendments

**F11** S. 62(1)-(5) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 6; S.I. 2011/2329, art. 3](#)

**F12** S. 62(7)(8) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 6; S.I. 2011/2329, art. 3](#)

*The Post Office company etc: government holdings*

### [<sup>F13</sup>63 Power to direct issue of certain securities etc

- (1) This section applies to—
  - (a) a Post Office company,
  - (b) a Royal Mail company, or
  - (c) a company in the same group as a company within paragraph (a) or (b), that is wholly owned by the Crown.
- (2) The Secretary of State may direct a company to which this section applies to issue securities to—
  - (a) the Secretary of State or the Treasury (or to a nominee of either of them), or
  - (b) a parent company that is wholly owned by the Crown.
- (3) A direction must specify—
  - (a) the kind and amount of securities to be issued,
  - (b) the terms of issue, and
  - (c) the date at or by which the securities must be issued.
- (4) Any shares issued in pursuance of a direction under this section are to be—
  - (a) issued as fully paid, and
  - (b) treated for the purposes of the Companies Acts as if they had been paid up by virtue of payment of their nominal value in cash.
- (5) A direction under this section may be given only with the consent of the Treasury.
- (6) Before giving a direction under this section, the Secretary of State must consult—
  - (a) the company to whom the direction is to be given, and

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- (b) if the company has a parent company, its parent company (or, if it has more than one parent company, the parent company that does not itself have a parent company).]

**Textual Amendments**

**F13** S. 63 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 7](#); S.I. 2011/2329, art. 3

**64 Government investment in securities of [<sup>F14</sup>certain companies].**

- (1) The Treasury or, with the consent of the Treasury, the Secretary of State may at any time acquire securities of [<sup>F15</sup>—
  - (a) a Post Office company,
  - (b) a Royal Mail company, or
  - (c) a company in the same group as a company within paragraph (a) or (b).]

[<sup>F16</sup>(1A) Securities acquired under this section may be held by a nominee.]

- (2) The Secretary of State shall not, without the consent of the Treasury, dispose of any securities acquired by him in pursuance of this section.

<sup>F17</sup>(3) .....

**Textual Amendments**

**F14** Words in s. 64 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 8\(2\)](#); S.I. 2011/2329, art. 3

**F15** Words in s. 64(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 8\(3\)](#); S.I. 2011/2329, art. 3

**F16** S. 64(1A) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 8\(4\)](#); S.I. 2011/2329, art. 3

**F17** S. 64(3) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 8\(5\)](#); S.I. 2011/2329, art. 3

*The Post Office company etc: restrictions on dealings*

**<sup>F18</sup>65 Restriction on issue of shares to third parties.**

.....

**Textual Amendments**

**F18** Ss. 65-67 repealed (20.12.2011) by [Postal Services Act 2011 \(c. 5\)](#), [ss. 1\(1\)](#), 93(2)(3); S.I. 2011/3044, art. 2

**<sup>F18</sup>66 Restriction on disposals of shares to third parties.**

.....

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**Textual Amendments**

**F18** Ss. 65-67 repealed (20.12.2011) by [Postal Services Act 2011 \(c. 5\)](#), **ss. 1(1)**, 93(2)(3); S.I. 2011/3044, art. 2

**<sup>F18</sup>67 Approved disposals.**

.....

**Textual Amendments**

**F18** Ss. 65-67 repealed (20.12.2011) by [Postal Services Act 2011 \(c. 5\)](#), **ss. 1(1)**, 93(2)(3); S.I. 2011/3044, art. 2

*Financial provisions*

**68 Loans by the Secretary of State to [<sup>F19</sup>relevant companies].**

- (1) The Secretary of State may, on or after the appointed day and with the approval of the Treasury, make loans to [<sup>F20</sup>a relevant company].

[<sup>F21</sup>(1A) In this Part “relevant company” means—

- (a) a Post Office company,
- (b) a Royal Mail company, or
- (c) a company that is, or has at any time been, in the same group as a company within paragraph (a) or (b).]

- (2) Interest shall be paid on loans made by the Secretary of State under this section at such rates as the Secretary of State may, with the approval of the Treasury, direct.
- (3) Subject to that, the loans shall be on such terms as may be—
- (a) agreed between the Secretary of State and the company to which the loan is made, and
  - (b) approved by the Treasury.
- (4) The terms shall, in particular, include provision as to the times and methods of payment of the principal and interest.
- (5) The power of the Secretary of State to make loans under this section includes power to make loans in currencies other than sterling.
- (6) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans under this section.
- (7) Such sums may be issued in sterling or, where the loan is to be in a currency other than sterling, in that currency or in sterling.
- (8) Any sums received by the Secretary of State by way of repayment of, or interest on, a loan made by him under this section shall be paid into the National Loans Fund.

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#### Textual Amendments

- F19** Words in s. 68 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 9\(2\)](#); [S.I. 2011/2329, art. 3](#)
- F20** Words in s. 68(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 9\(3\)](#); [S.I. 2011/2329, art. 3](#)
- F21** S. 68(1A) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 9\(4\)](#); [S.I. 2011/2329, art. 3](#)

### 69 Guarantees by the Secretary of State for [<sup>F22</sup>relevant companies].

- (1) The Secretary of State may, on or after the appointed day and in such manner and on such conditions as he considers appropriate, guarantee the discharge of any financial obligation of [<sup>F23</sup>a relevant company].
- (2) As soon as practicable after giving a guarantee under subsection (1), the Secretary of State shall lay a statement of the guarantee before each House of Parliament.
- (3) If any sums are paid by the Secretary of State in fulfilment of a guarantee given under subsection (1), [<sup>F24</sup>the relevant company] shall make to the Secretary of State, at such times and in such manner as the Secretary of State may direct—
  - (a) payments, of such amounts as the Secretary of State may direct, in or towards repayment of the sums paid by the Secretary of State, and
  - (b) payments of interest on what is outstanding in respect of the sums paid by the Secretary of State, at such rate as the Secretary of State may direct.
- (4) If any sums are paid by the Secretary of State in fulfilment of a guarantee given under subsection (1), the Secretary of State shall—
  - (a) lay a statement relating to the sums before each House of Parliament as soon as practicable after the end of the financial year in which the sums were paid, and
  - (b) lay a statement before each House of Parliament as soon as practicable after the end of any subsequent financial year in which there is an outstanding liability in relation to the obligation which is the subject of the guarantee.
- (5) Any statement under subsection (4) shall include a statement of—
  - (a) any amounts received by the Secretary of State during the financial year concerned in or towards repayment of, or as interest in respect of, sums paid by him in fulfilment of any guarantee given under subsection (1), and
  - (b) any amounts outstanding at the end of that year in respect of sums so paid by the Secretary of State.

#### Textual Amendments

- F22** Words in s. 69 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 10\(2\)](#); [S.I. 2011/2329, art. 3](#)
- F23** Words in s. 69(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 10\(3\)](#); [S.I. 2011/2329, art. 3](#)
- F24** Words in s. 69(3) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 10\(4\)](#); [S.I. 2011/2329, art. 3](#)

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## 70 Extinguishment of certain liabilities.

- (1) The Secretary of State may, on or after the appointed day, by order extinguish all or any of the liabilities of [<sup>F25</sup>a relevant company] in respect of—
- (a) such sums paid by the Treasury, in fulfilment of guarantees given under section 38 of the <sup>M1</sup>Post Office Act 1969, as may be specified in the order, or
  - (b) such sums paid by the Secretary of State, in fulfilment of guarantees given under section 69 of this Act, as may be specified in the order.
- (2) The Secretary of State may, on or after the appointed day, by order extinguish such liabilities to him of [<sup>F25</sup>a relevant company] as may be specified in the order; but the order shall not specify liabilities which—
- (a) may be extinguished under subsection (1), or
  - (b) relate to taxes, duties or fines.
- [<sup>F26</sup>(3) Before exercising a power under subsection (1) or (2), the Secretary of State must consult—
- (a) the relevant company, and
  - (b) if the relevant company has a parent company, its parent company (or, if it has more than one parent company, the parent company that does not itself have a parent company).]

(5) The Secretary of State may by order repeal this section.

(6) The Secretary of State shall not exercise any power conferred on him by subsection (1), (2) or (5) without the consent of the Treasury.

### Textual Amendments

**F25** Words in s. 70(1)(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 11\(2\)](#); [S.I. 2011/2329, art. 3](#)

**F26** S. 70(3) substituted for s. 70(3)(4) (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 11\(3\)](#); [S.I. 2011/2329, art. 3](#)

### Marginal Citations

**M1** 1969 c. 48.

## 71 Limit on loans and other arrangements with government.

- (1) The Secretary of State and the Treasury shall exercise their powers under or by virtue of this Act so as to ensure that, on and after the appointed day, the Crown's financial arrangements with [<sup>F27</sup>relevant companies] do not at any time exceed £5,000 million or such greater sum as the Secretary of State may by order specify.
- (2) For the purposes of subsection (1) the Crown's financial arrangements with [<sup>F27</sup>relevant companies] are the aggregate of—
- (a) amounts outstanding in respect of the principal of loans made under section 37 of the <sup>M2</sup>Post Office Act 1969,
  - (b) amounts outstanding (otherwise than by way of interest) in respect of sums paid by the Treasury in fulfilment of guarantees given under section 38 of that Act,



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- (c) amounts outstanding in respect of the principal of loans made under section 68 of this Act,
  - (d) amounts outstanding (otherwise than by way of interest) in respect of sums paid by the Secretary of State in fulfilment of guarantees given under section 69 of this Act,
  - (e) amounts outstanding in respect of the principal of debt securities issued in pursuance of section 63 of this Act, and
  - (f) liabilities extinguished under section 70 of this Act so far as they are not replaced with corresponding liabilities.
- (3) No order shall be made under subsection (1) unless a draft of it has been approved by a resolution of the House of Commons.
- (4) For the purposes of this section equivalents in sterling shall be calculated as the Secretary of State considers appropriate.

#### Textual Amendments

**F27** Words in s. 71(1)(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 12](#); [S.I. 2011/2329, art. 3](#)

#### Marginal Citations

**M2** [1969 c. 48](#).

## 72 Reserves of <sup>F28</sup>relevant companies].

- (1) The Secretary of State may, on or after the appointed day, give directions to <sup>F29</sup>a relevant company that does not have a parent company (“the relevant company”)—
- (a) requiring it to allocate to a reserve generally, or to a reserve for a particular purpose, or to cause any of its subsidiaries so to allocate to a reserve, either a specified amount or such amount as <sup>F30</sup>the relevant company] considers appropriate,
  - (b) requiring it to re-allocate for a specified purpose, or to cause any of its subsidiaries so to re-allocate, the whole or any part of any amount previously allocated by <sup>F30</sup>the relevant company] or (as the case may be) subsidiary to a reserve for some other purpose, or
  - (c) with respect to the application by <sup>F30</sup>the relevant company] or any of its subsidiaries of amounts allocated to a reserve in accordance with a direction under this section.
- (2) Directions requiring the allocation of any amount to a reserve may provide for it to be so allocated either at a specified time or during the course of a specified period.
- (3) Directions under subsection (1)(c) may, in particular, require amounts allocated to a reserve in accordance with a direction under this section to be applied as if they were profits available for distribution within the meaning of <sup>F31</sup>section 830 of the Companies Act 2006] (distributions to be made out of profits).
- (4) Despite subsection (3), no part of a reserve to which amounts have been allocated in accordance with this section shall count as an undistributable reserve of the company concerned for the purposes of <sup>F32</sup>section 831(4)(d) of the Companies Act 2006] (restriction on distribution of assets).

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(5) For the purpose of determining under section <sup>F33</sup>section 831 of the Companies Act 2006] whether the company concerned may make a distribution at any time, any amount for the time being standing to the credit of the reserve concerned (excluding any amount which by virtue of subsection (3) above is authorised to be, but has not yet been, applied as if it were profits available for distribution) shall be treated for the purposes of <sup>F34</sup>section 831(4)(c) of the Companies Act 2006] as if it were unrealised profits of the company.

<sup>F35</sup>(5A) No direction under this section may be given to, or in respect of, a company that is not wholly owned by the Crown.

(6) Before giving a direction under this section to a company, the Secretary of State must consult the company.]

(7) No direction shall be given under this section without the consent of the Treasury.

#### Textual Amendments

- F28** Words in s. 72 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 13\(2\)](#); S.I. 2011/2329, art. 3
- F29** Words in s. 72(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 13\(3\)\(a\)](#); S.I. 2011/2329, art. 3
- F30** Words in s. 72(1)(a)(b)(c) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 13\(3\)\(b\)](#); S.I. 2011/2329, art. 3
- F31** Words in s. 72(3) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 215\(2\)](#) (with arts. 6, 11, 12)
- F32** Words in s. 72(4) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 215\(3\)](#) (with arts. 6, 11, 12)
- F33** Words in s. 72(5) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 215\(4\)\(i\)](#) (with arts. 6, 11, 12)
- F34** Words in s. 72(5) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 215\(4\)\(ii\)](#) (with arts. 6, 11, 12)
- F35** S. 72(5A)(6) substituted for s. 72(6) (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 13\(4\)](#); S.I. 2011/2329, art. 3

#### 73 Statutory accounts of <sup>F36</sup>the original holding company].

- (1) For the purposes of any statutory accounts of <sup>F36</sup>the original holding company]—
- the transfer effected by virtue of section 62 shall be taken to have been a transfer of all the property, rights and liabilities to which the Post Office was entitled or subject immediately before the end of the last accounting year of the Post Office ending before the appointed day and to have been effected immediately after the end of that year, and
  - the value or amount (as at the time of transfer) of any asset or liability of the Post Office taken to have been transferred to <sup>F36</sup>the original holding company] by virtue of paragraph (a) shall be taken to be the value or (as the case may be) the amount assigned to that asset or liability for the purposes of the corresponding statement of accounts prepared by the Post Office in relation to that year.
- (2) For the purposes of any statutory accounts of <sup>F36</sup>the original holding company] the amount to be included in respect of any item shall be determined as if anything done

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by the Post Office (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) had been done by [<sup>F36</sup>the original holding company].

- (3) Accordingly (but without prejudice to the generality of subsection (2))—
- (a) the amount to be included from time to time in any reserves of [<sup>F36</sup>the original holding company] as representing its accumulated realised profits shall be determined as if any profits realised and retained by the Post Office had been realised and retained by [<sup>F36</sup>the original holding company], and
  - (b) the amount to be included from time to time in any statutory accounts of [<sup>F36</sup>the original holding company] as representing its accumulated realised losses shall be determined as if any losses realised by the Post Office had been realised by [<sup>F36</sup>the original holding company].
- (4) In this section “statutory accounts”, in relation to [<sup>F36</sup>the original holding company], means any accounts of that company prepared for the purposes of any provision of [<sup>F37</sup>the Companies Act 2006] (including group accounts).

#### Textual Amendments

**F36** Words in s. 73 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 14](#); [S.I. 2011/2329, art. 3](#)

**F37** Words in s. 73(4) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 216](#) (with arts. 6, 11, 12)

#### 74 Further provisions relating to the capital structure of [<sup>F38</sup>certain relevant companies].

- (1) If the Secretary of State so directs, [<sup>F39</sup>a company within subsection (1A)] shall be taken to have assumed a debt to the Secretary of State of such amount as may be specified in the direction.

[<sup>F40</sup>(1A) A company is within this subsection if—

- (a) it is a relevant company,
- (b) it is wholly owned by the Crown, and
- (c) it does not have a parent company.]

- (2) The terms of any such debt, including the terms as to the payment of interest and repayment, shall be such as the Secretary of State may from time to time determine.
- (3) [<sup>F41</sup>A company within subsection (1A)] shall issue such debt securities of the company as the Secretary of State may direct; and any such securities shall, as the Secretary of State may direct, be issued to the Treasury or the Secretary of State [<sup>F42</sup>(or their nominees)].
- (4) Debt securities to be issued in pursuance of subsection (3) shall be issued at such time or times, and on such terms, as the Secretary of State [<sup>F43</sup>(or a nominee of the Secretary of State)] may direct.
- (5) Subsections (3) and (4) are without prejudice to any power conferred by section 63.
- (6) The Secretary of State may by order repeal this section.

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- (7) The Secretary of State—
- (a) shall not exercise any power under this section without the consent of the Treasury or before the appointed day, and
  - (b) shall, before exercising any such power (other than the power under subsection (6)), consult [<sup>F44</sup>the relevant company].
- (8) In this Part “debt securities” means any instrument creating or acknowledging indebtedness which is issued by a company including, in particular, debentures, loan stock, bonds and certificates of deposit.

#### Textual Amendments

- F38** Words in s. 74 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 15\(2\)](#); S.I. 2011/2329, art. 3
- F39** Words in s. 74(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 15\(3\)](#); S.I. 2011/2329, art. 3
- F40** S. 74(1A) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 15\(4\)](#); S.I. 2011/2329, art. 3
- F41** Words in s. 74(3) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 15\(5\)\(a\)](#); S.I. 2011/2329, art. 3
- F42** Words in s. 74(3) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 15\(5\)\(b\)](#); S.I. 2011/2329, art. 3
- F43** Words in s. 74(4) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 15\(6\)](#); S.I. 2011/2329, art. 3
- F44** Words in s. 74(7)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 15\(7\)](#); S.I. 2011/2329, art. 3

#### Modifications etc. (not altering text)

- C4** S. 74(8) extended (24.6.2003) by [The Uncertificated Securities \(Amendment\) \(Eligible Debt Securities\) Regulations 2003 \(S.I. 2003/1633\), reg. 1\(1\), Sch. 2 para. 8\(2\)\(i\)](#)

### *Dissolution of the Post Office*

#### <sup>F45</sup>75 **Dissolution of the Post Office.**

.....

#### Textual Amendments

- F45** S. 75 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 16](#); S.I. 2011/2329, art. 3

### *Supplementary provisions*

#### 76 **Accounts of the Secretary of State in relation to loans.**

- (1) The Secretary of State shall, in respect of each financial year, prepare in such form and manner as the Treasury may direct, an account of—
- (a) sums issued to him under section 68(6),

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- (b) sums received by him as mentioned in section 68(8), and
  - (c) the disposal by him of the sums mentioned in paragraphs (a) and (b).
- (2) The Secretary of State shall send the account to the Comptroller and Auditor General not later than the end of the month of November in the following financial year.
- (3) The Comptroller and Auditor General shall—
- (a) examine, certify and report on the account, and
  - (b) lay copies of it, together with his report, before each House of Parliament.

**Modifications etc. (not altering text)**

C5 S. 76 modified (22.3.2001) by S.I. 2001/1148, art. 25 (with art. 34)

**77 Publicity requirements for certain accounts and reports<sup>F46</sup> ....**

[<sup>F47</sup>(A1) This section applies to—

- (a) a relevant company that is wholly owned by the Crown and does not have a parent company, and
- (b) the original holding company if it is wholly owned by the Crown.]

(1) [<sup>F48</sup>A company to which this section applies] shall send to the Secretary of State—

- (a) a copy of all annual accounts of the company on which the company's auditors have made a report under [<sup>F49</sup>section 495 of the Companies Act 2006], and
- (b) a copy of the auditor's report,

as soon as practicable after the report has been made.

(2) [<sup>F48</sup>A company to which this section applies] shall send to the Secretary of State a copy of the report prepared by its directors under [<sup>F50</sup>section 415 of the Companies Act 2006] in relation to any year which includes the appointed day or any subsequent year as soon as practicable after the report has been approved and signed under [<sup>F51</sup>section 419] of that Act.

(3) The Secretary of State shall lay a copy of the accounts and reports received by him under this section before each House of Parliament.

(4) In this section “annual accounts” means annual accounts (within the meaning of [<sup>F52</sup>Part 15 of the Companies Act 2006]) which relate to any year which includes the appointed day or to any subsequent year.

**Textual Amendments**

**F46** Words in s. 77 heading omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 17\(2\)](#); S.I. 2011/2329, art. 3

**F47** S. 77(A1) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 17\(3\)](#); S.I. 2011/2329, art. 3

**F48** Words in s. 77(1)(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 17\(4\)](#); S.I. 2011/2329, art. 3

**F49** Words in s. 77(1)(a) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 217\(a\)](#) (with arts. 6, 11, 12)

**F50** Words in s. 77(2) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 217\(b\)\(i\)](#) (with arts. 6, 11, 12)

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- F51** Words in s. 77(2) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 217\(b\)\(ii\)](#) (with arts. 6, 11, 12)
- F52** Words in s. 77(4) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 217\(c\)](#) (with arts. 6, 11, 12)

## **78 Information requirements on [<sup>F53</sup>certain relevant companies].**

[<sup>F54</sup>(A1) This section applies to—

- (a) a relevant company that is wholly owned by the Crown and does not have a parent company, and
- (b) the original holding company if it is wholly owned by the Crown.]

(1) The Treasury may [<sup>F55</sup>serve notice on a company to which this section applies]—

- (a) requiring it to supply to the Treasury such information—
  - (i) as the Treasury may reasonably require for the performance of their functions in relation to public sector finance, and
  - (ii) as may be specified or described in the notice, and
- (b) specifying the time, place, manner and form in which any such information is to be supplied and the person to whom it is to be supplied.

(2) If a person makes default in complying with a notice under subsection (1), the court may, on the application of the Treasury, make such order as the court considers appropriate for requiring the default to be made good.

(3) Any such order may, in particular, provide that all the costs or expenses of and incidental to the application shall be borne—

- (a) by the person in default, or
- (b) if officers of a company are responsible for its default, by those officers.

(4) In this section “the court”—

- (a) in relation to England and Wales or Northern Ireland, means the High Court, and
- (b) in relation to Scotland, means the Court of Session.

### **Textual Amendments**

- F53** Words in s. 78 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 18\(2\)](#); [S.I. 2011/2329](#), art. 3
- F54** S. 78(A1) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 18\(3\)](#); [S.I. 2011/2329](#), art. 3
- F55** Words in s. 78(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 18\(4\)](#); [S.I. 2011/2329](#), art. 3

## **<sup>F56</sup>79 Exercise of functions through nominees.**

.....

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#### Textual Amendments

- F56** S. 79 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 19](#); [S.I. 2011/2329, art. 3](#)

### 80 Shadow directors.

- (1) For the purposes of the provisions <sup>F57</sup>... listed in subsection (2) neither the Treasury nor the Secretary of State shall be regarded as a shadow director of [<sup>F58</sup>a relevant company any part of which is owned by the Crown].

[<sup>F59</sup>(2) The provisions are—

- (a) section 162(6) of the Companies Act 2006 (register of directors: liability for offence);
- (b) Chapter 3 of Part 10 of that Act (declaration of interest in existing transaction or arrangement);
- (c) sections 190 to 196 of that Act (transactions requiring members' approval: substantial property transactions);
- (d) sections 197 to 214 of that Act (transactions requiring members' approval: loans etc. );
- (e) regulation 10(3) of the Companies (Trading Disclosures) Regulations 2008 (liability for offence), as it applies in relation to an offence under regulation 8 (disclosure of names of directors).]

#### Textual Amendments

- F57** Words in s. 80(1) repealed (1.10.2007) by [Companies Act 2006 \(Commencement No.3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\), art. 1\(3\)\(a\), Sch. 4 para. 94\(2\), Sch. 5](#) (with [art. 12](#))
- F58** Words in s. 80(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 20](#); [S.I. 2011/2329, art. 3](#)
- F59** S. 80(2) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 1\(2\), Sch. 1 para. 183\(4\)](#) (with [art. 10](#))

### 81 Tax.

Schedule 4 (taxation provisions in relation to the transfer to the Post Office company) shall have effect.

### 82 Interpretation: Part IV.

- (1) In this Part—

“the appointed day” has the meaning given by section 62(8),  
[<sup>F60</sup>“the Companies Acts” has the meaning given by section 2 of the Companies Act 2006,  
“company” includes any body corporate,]  
“debenture” includes debenture stock,  
“debt securities” has the meaning given by section 74(8),

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[<sup>F61</sup>any reference to a company being in the same “group” as another company is to be read in accordance with section 15(4) of the Postal Services Act 2011,

“the original holding company” has the meaning given by section 15 of the Postal Services Act 2011,

any reference to a company being a “parent” of another company is to be read in accordance with section 1162 of the Companies Act 2006,

“Post Office company” has the meaning given by section 6 of the Postal Services Act 2011,

“relevant company” has the meaning given by section 68(1A) of this Act,

“Royal Mail company” has the meaning given by section 2 of the Postal Services Act 2011, ]

“securities”, in relation to a company, includes shares, debt securities and other securities of the company, whether or not constituting a charge on the assets of the company, and the right to subscribe for, or to acquire, such securities and any other rights in connection with such securities,

<sup>F62</sup>  
...

“shares” includes stock, and

[<sup>F63</sup>“wholly owned by the Crown” has the meaning given by section 15 of the Postal Services Act 2011. ]

- (2) References in this Part to property, rights and liabilities of the Post Office are references to all such property, rights and liabilities, whether or not capable of being transferred or assigned by the Post Office.
- (3) It is hereby declared for the avoidance of doubt that—
- (a) any reference in this Part to property of the Post Office is a reference to property of the Post Office whether situated in the United Kingdom or elsewhere, and
  - (b) any reference in this Part to rights or liabilities of the Post Office is a reference to rights to which the Post Office is entitled, or (as the case may be) liabilities to which it is subject, whether under the law of the United Kingdom or of any part of the United Kingdom or under the law of any country or territory outside the United Kingdom.

#### Textual Amendments

- F60** Words in s. 82(1) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 21\(a\)](#); [S.I. 2011/2329, art. 3](#)
- F61** Words in s. 82(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 21\(b\)](#); [S.I. 2011/2329, art. 3](#)
- F62** Words in s. 82(1) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 21\(c\)](#); [S.I. 2011/2329, art. 3](#)
- F63** Words in s. 82(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 21\(d\)](#); [S.I. 2011/2329, art. 3](#)



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## PART V

### OFFENCES IN RELATION TO POSTAL SERVICES

#### *Offences of interfering with the mail*

#### **83 Interfering with the mail: postal operators.**

- (1) A person who is engaged in the business of a postal operator commits an offence if, contrary to his duty and without reasonable excuse, he—
  - (a) intentionally delays or opens a postal packet in the course of its transmission by post, or
  - (b) intentionally opens a mail-bag.
- (2) Subsection (1) does not apply to the delaying or opening of a postal packet or the opening of a mail-bag under the authority of—
  - (a) this Act or any other enactment (including, in particular, in pursuance of a warrant issued under any other enactment), or
  - (b) any directly applicable [F64EU] provision.
- (3) Subsection (1) does not apply to the delaying or opening of a postal packet in accordance with any terms and conditions applicable to its transmission by post.
- (4) Subsection (1) does not apply to the delaying of a postal packet as a result of industrial action in contemplation or furtherance of a trade dispute.
- (5) In subsection (4) “trade dispute” has the meaning given by section 244 of the <sup>M3</sup>Trade Union and Labour Relations (Consolidation) Act 1992 or Article 127 of the <sup>M4</sup>Trade Union and Labour Relations (Northern Ireland) Order 1995; and the reference to industrial action shall be construed in accordance with that Act or (as the case may be) that Order.
- (6) A person who commits an offence under subsection (1) shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both,
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

#### **Textual Amendments**

**F64** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)(5))

#### **Commencement Information**

**I2** S. 83 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/878](#), art. 2, [Sch.](#) (subject to arts. 3-17)

#### **Marginal Citations**

**M3** 1992 c. 52.

**M4** [S.I. 1995/1980 \(N.I.12\)](#).

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#### **84 Interfering with the mail: general.**

- (1) A person commits an offence if, without reasonable excuse, he—
  - (a) intentionally delays or opens a postal packet in the course of its transmission by post, or
  - (b) intentionally opens a mail-bag.
- (2) Subsections (2) to (5) of section 83 apply to subsection (1) above as they apply to subsection (1) of that section.
- (3) A person commits an offence if, intending to act to a person's detriment and without reasonable excuse, he opens a postal packet which he knows or reasonably suspects has been incorrectly delivered to him.
- (4) Subsections (2) and (3) of section 83 (so far as they relate to the opening of postal packets) apply to subsection (3) above as they apply to subsection (1) of that section.
- (5) A person who commits an offence under subsection (1) or (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

#### **Commencement Information**

**I3** S. 84 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/878, art. 2, Sch. (subject to arts. 3-17)

#### *Prohibition on sending certain articles by post*

#### **85 Prohibition on sending certain articles by post.**

- (1) A person commits an offence if he sends by post a postal packet which encloses any creature, article or thing of any kind which is likely to injure other postal packets in course of their transmission by post or any person engaged in the business of a postal operator.
- (2) Subsection (1) does not apply to postal packets which enclose anything permitted (whether generally or specifically) by the postal operator concerned.
- (3) A person commits an offence if he sends by post a postal packet which encloses—
  - (a) any indecent or obscene print, painting, photograph, lithograph, engraving, cinematograph film or other record of a picture or pictures, book, card or written communication, or
  - (b) any other indecent or obscene article (whether or not of a similar kind to those mentioned in paragraph (a)).
- (4) A person commits an offence if he sends by post a postal packet which has on the packet, or on the cover of the packet, any words, marks or designs which are of an indecent or obscene character.
- (5) A person who commits an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding twelve months or to both.

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**Modifications etc. (not altering text)**

**C6** S. 85 applied (7.3.2001) by S.I. 2001/878, art. 15 (with art. 17)

**Commencement Information**

**I4** S. 85 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/878, art. 2, Sch. (subject to arts. 3-17)

*Additional protection for universal postal service*

**86 Prohibition on affixing advertisements on certain letter boxes etc.**

- (1) A person commits an offence if, without due authority, he affixes any advertisement, document, board or thing in or on any universal postal service post office, universal postal service letter box or other property belonging to, or used by, a universal service provider in connection with the provision of a universal postal service.
- (2) A person commits an offence if, without due authority, he paints or in any way disfigures any such office, box or property.
- (3) A person who commits an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In this Act—

“universal postal service letter box” means any box or receptacle provided by a universal service provider for the purpose of receiving postal packets, or any class of postal packets, for onwards transmission in connection with the provision of a universal postal service, and

“universal postal service post office” includes any house, building, room, vehicle or place used for the provision of any postal services in connection with the provision of a universal postal service or a part of such a service.

**Commencement Information**

**I5** S. 86 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/878, art. 2, Sch. (subject to arts. 3-17)

**87 Prohibition on misleading descriptions.**

- (1) A person commits an offence if, without the authority of the universal service provider concerned, he places or maintains in or on any house, wall, door, window, box, post, pillar or other place belonging to him or under his control, any of the following words, letters or marks—
  - (a) the words “letter box” accompanied with words, letters or marks which signify or imply, or may reasonably lead the public to believe, that it is a universal postal service letter box, or
  - (b) any words, letters or marks which signify or imply or may reasonably lead the public to believe that any house, building, room, vehicle or place is a universal postal service post office, or that any box or receptacle is a universal postal service letter box.
- (2) A person commits an offence if, without the authority of the universal service provider concerned, he—

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- (a) places or maintains in or on any ship, vehicle, aircraft or premises belonging to him or under his control, or
  - (b) uses in any document in relation to himself or any other person or in relation to any ship, vehicle, aircraft or premises,  
any words, letters or marks which signify or imply, or may reasonably lead the public to believe, any of the things mentioned in subsection (3).
- (3) The things are—
- (a) that he or that other person is authorised by the universal service provider concerned to collect, receive, sort, deliver or convey postal packets in connection with the provision of a universal postal service,
  - (b) that the ship, vehicle, aircraft or premises are used by the universal service provider concerned for the purpose of collecting, receiving, sorting, delivering or conveying postal packets in connection with the provision of a universal postal service.
- (4) A person commits an offence if, without reasonable excuse, he fails to comply with a notice given to him by the universal service provider concerned requiring him—
- (a) to remove or efface any words, letters or marks which fall within subsection (1) or (2), or
  - (b) to remove or close up any letter box belonging to him or under his control which has ceased to be a universal postal service letter box.
- (5) A person who commits an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Commencement Information

**I6** S. 87 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/878, art. 2, Sch. (subject to arts. 3-17)

## 88 Obstruction of business of universal service providers.

- (1) A person commits an offence if, without reasonable excuse, he—
- (a) obstructs a person engaged in the business of a universal service provider in the execution of his duty in connection with the provision of a universal postal service, or
  - (b) obstructs, while in any universal postal service post office or related premises, the course of business of a universal service provider.
- (2) A person who commits an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) A person commits an offence if, without reasonable excuse, he fails to leave a universal postal service post office or related premises when required to do so by a person who—
- (a) is engaged in the business of a universal service provider, and
  - (b) reasonably suspects him of committing an offence under subsection (1).
- (4) A person who commits an offence under subsection (3)—
- (a) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale, and
  - (b) may be removed by any person engaged in the business of a universal service provider.

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- (5) Any constable shall on demand remove, or assist in removing, any such person.
- (6) In this section “related premises” means any premises belonging to a universal postal service post office or used together with any such post office.

#### Commencement Information

**I7** S. 88 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/878, art. 2, Sch. (subject to arts. 3-17)

## PART VI

### [<sup>F65</sup>POSTAL SERVICES: SUPPLEMENTARY]

#### Textual Amendments

**F65** Pt. VI heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 22](#); S.I. 2011/2329, art. 3

### *Schemes and limitation of liability*

#### **89 Schemes as to terms and conditions for provision of [<sup>F66</sup>postal services].**

- [<sup>F67</sup>(1) A postal operator may make a scheme under this section in relation to any or all of the postal services provided by the operator.]
- (2) A scheme under this section is a scheme for determining any or all of the following (so far as not otherwise agreed)—
- (a) the charges which are to be imposed in respect of the services concerned, [<sup>F68</sup>and]
  - (b) the other terms and conditions which are to be applicable to the services concerned, <sup>F69</sup>...
  - <sup>F69</sup>(c) .....
- (3) A scheme under this section may, in particular—
- (a) adopt such system for the determination of the charges and other terms and conditions as [<sup>F70</sup>the postal operator] considers appropriate (including determining them himself subject to any conditions and limitations provided for in the scheme),
  - (b) specify the manner in which, time and place at which and person by whom the charges are to be paid.
- (4) Subject to section 92(5) and (6), no provision may be made in any scheme under this section—
- (a) for limiting the liability of [<sup>F71</sup>the postal operator] for loss or damage, or
  - (b) for amending the rules of law relating to evidence.
- (5) A scheme under this section shall come into force on such day as is specified in the scheme; but no day earlier than the day after that on which the scheme has been published in the London, Edinburgh and Belfast Gazettes shall be so specified.

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- (6) A scheme under this section may—
- (a) make different provision for different cases or classes of case determined by, or in accordance with, the provisions of the scheme,
  - (b) modify any previous scheme made under this section.
- (7) Any charge payable by virtue of this section may be recovered by [<sup>F72</sup>the postal operator] and in England and Wales and Northern Ireland may be so recovered as a civil debt due to him.
- (8) The production of a copy of any of the Gazettes mentioned in subsection (5) which purports to contain a scheme under this section shall be conclusive evidence in all legal proceedings of that scheme.

#### Textual Amendments

- F66** Words in s. 89 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 23\(2\)](#); [S.I. 2011/2329, art. 3](#)
- F67** S. 89(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 23\(3\)](#); [S.I. 2011/2329, art. 3](#)
- F68** Word in s. 89(2)(a) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 23\(4\)\(a\)](#); [S.I. 2011/2329, art. 3](#)
- F69** S. 89(2)(c) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 23\(4\)\(b\)](#); [S.I. 2011/2329, art. 3](#)
- F70** Words in s. 89(3)(a) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 23\(5\)](#); [S.I. 2011/2329, art. 3](#)
- F71** Words in s. 89(4)(a) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 23\(5\)](#); [S.I. 2011/2329, art. 3](#)
- F72** Words in s. 89(7) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 23\(5\)](#); [S.I. 2011/2329, art. 3](#)

#### Commencement Information

- I8** S. 89 wholly in force at 26.3.2001; s. 89 not in force at Royal Assent see s. 130; s. 89(1)-(6)(8) in force at 26.2.2001 by [S.I. 2001/534, art. 2, Sch.](#); s. 89(7) in force at 26.3.2001 by 2001/1148, art. 2, Sch. (subject to arts. 3-42)

### [<sup>F73</sup>89A Powers of OFCOM in relation to schemes

- (1) A postal operator may not make a scheme under section 89 unless—
- (a) the operator has notified OFCOM of the scheme that the operator is proposing to make, and
  - (b) the operator has carried out a consultation exercise in relation to the proposed scheme in accordance with requirements contained in a notification published by OFCOM.
- (2) OFCOM may give a direction to a postal operator who has notified a scheme to them under subsection (1)(a) requiring the operator to make such modifications of the scheme as are specified in the direction.
- (3) Before giving a direction under subsection (2), OFCOM must publish a notification—
- (a) setting out the terms of the scheme that the operator proposes to make,

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- (b) stating that OFCOM are proposing to give a direction under subsection (2) modifying the scheme,
  - (c) setting out the effect of the proposed modification,
  - (d) giving reasons for making the proposed modification, and
  - (e) specifying the period within which representations may be made to them about the proposed modification.
- (4) The specified period must be at least one month beginning with the day after the day the notification under subsection (3) is published.
- (5) OFCOM may not give a direction under subsection (2) unless they have considered every representation and proposal made to them during the period specified in that notification.
- (6) If the scheme is not in force at the time at which that notification is published, the operator may not bring the scheme into force until such time as OFCOM may direct.
- (7) OFCOM must publish a notification of any direction that they make under subsection (2).
- (8) The publication of a notification under this section must be in such manner as OFCOM consider appropriate for bringing its contents to the attention of such persons as they consider appropriate.
- (9) An obligation imposed on a postal operator by a direction under subsection (2) is enforceable by OFCOM under Schedule 7 to the Postal Services Act 2011 (enforcement of regulatory requirements).]

#### Textual Amendments

**F73** S. 89A inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 24](#); [S.I. 2011/2329, art. 3](#)

## 90 Exclusion of liability.

[<sup>F74</sup>(A1) This section applies in relation to—

- (a) the provision by a universal service provider of a universal postal service, and
- (b) the provision by a postal operator of a service in relation to which a scheme under section 89 (made by the operator) applies.

(A2) In this section—

- (a) “the operator” means the universal service provider or the postal operator concerned, and
- (b) “the service” means the service mentioned in subsection (A1)(a) or (b) (as the case may be).]

(1) No proceedings in tort shall lie or, in Scotland, be competent against [<sup>F75</sup>the operator] in respect of loss or damage suffered by any person in connection with the provision of [<sup>F76</sup>the service] because of—

- (a) anything done or omitted to be done in relation to any postal packet in the course of transmission by post, or
- (b) any omission to carry out arrangements for the collection of anything to be conveyed by post.

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- (2) No officer, servant, employee, agent or sub-contractor of [<sup>F77</sup>the operator] shall be subject, except at the suit or instance of [<sup>F78</sup>the operator], to any civil liability for—
- (a) any loss or damage in the case of which liability of [<sup>F78</sup>the operator] is excluded by subsection (1), or
  - (b) any loss of, or damage to, [<sup>F79</sup>a postal packet] to which section 91 applies.
- (3) No person engaged in or about the conveyance of postal packets and no officer, servant, employee, agent or sub-contractor of any such person shall be subject, except at the suit or instance of [<sup>F80</sup>the operator], to any civil liability for—
- (a) any loss or damage in the case of which liability of [<sup>F81</sup>the operator] is excluded by subsection (1), or
  - (b) any loss of, or damage to, [<sup>F82</sup>a postal packet] to which section 91 applies.
- (4) In the application of subsection (1) to Scotland, the reference to proceedings in tort shall be construed in the same way as in section 43(b) of the <sup>M5</sup>Crown Proceedings Act 1947.
- (5) This section is subject to section 91.

#### Textual Amendments

- F74** S. 90(A1)(A2) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 25\(2\)](#); S.I. 2011/2329, art. 3
- F75** Words in s. 90(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 25\(3\)\(a\)](#); S.I. 2011/2329, art. 3
- F76** Words in s. 90(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 25\(3\)\(b\)](#); S.I. 2011/2329, art. 3
- F77** Words in s. 90(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 25\(4\)\(a\)](#); S.I. 2011/2329, art. 3
- F78** Words in s. 90(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 25\(4\)\(b\)](#); S.I. 2011/2329, art. 3
- F79** Words in s. 90(2)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 25\(4\)\(c\)](#); S.I. 2011/2329, art. 3
- F80** Words in s. 90(3) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 25\(5\)\(a\)](#); S.I. 2011/2329, art. 3
- F81** Words in s. 90(3) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 25\(5\)\(b\)](#); S.I. 2011/2329, art. 3
- F82** Words in s. 90(3)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 25\(5\)\(c\)](#); S.I. 2011/2329, art. 3

#### Commencement Information

- I9** S. 90 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to arts. 3-42)

#### Marginal Citations

- M5** 1947 c. 44.

## 91 Limited liability for [<sup>F83</sup>postal packets].

- (1) Proceedings shall lie or, in Scotland, be competent against [<sup>F84</sup>a postal operator] under this section, but not otherwise, in respect of relevant loss of, or relevant damage to,



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[<sup>F85</sup>a postal packet] in respect of which [<sup>F86</sup>the operator] accepts liability under this section in pursuance of a scheme made under section 89.

- (2) The references in subsection (1) to relevant loss or damage are to loss or damage so far as it is due to any wrongful act of, or any neglect or default by, an officer, servant, employee, agent or sub-contractor of [<sup>F87</sup>the postal operator] while performing or purporting to perform in that capacity his functions in relation to the receipt, conveyance, delivery or other dealing with the packet.
- (3) No proceedings shall lie or, in Scotland, be competent under this section in relation to a packet unless they are begun within the period of twelve months starting with the day on which the packet was posted.
- (4) A [<sup>F88</sup>postal operator] shall not be liable under this section in respect of a packet of any description unless such conditions (if any) as are required by a scheme under section 89 to be complied with in relation to packets of that description at the time when they are posted have been complied with in the case of the packet.
- (5) For the purposes of this section and section 92 a scheme under section 89 may define a description of packet by reference to any circumstances whatever (including, in particular, the amount of any fee paid in respect of the packet in pursuance of the scheme).

<sup>F89</sup>(6) . . . . .

#### Textual Amendments

- F83** Words in s. 91 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 26\(2\)](#); [S.I. 2011/2329, art. 3](#)
- F84** Words in s. 91(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 26\(3\)\(a\)](#); [S.I. 2011/2329, art. 3](#)
- F85** Words in s. 91(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 26\(3\)\(b\)](#); [S.I. 2011/2329, art. 3](#)
- F86** Words in s. 91(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 26\(3\)\(c\)](#); [S.I. 2011/2329, art. 3](#)
- F87** Words in s. 91(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 26\(4\)](#); [S.I. 2011/2329, art. 3](#)
- F88** Words in s. 91(4) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 26\(5\)](#); [S.I. 2011/2329, art. 3](#)
- F89** S. 91(6) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 26\(6\)](#); [S.I. 2011/2329, art. 3](#)

#### Modifications etc. (not altering text)

- C7** S. 91 applied (with modifications) (22.3.2001) by [S.I. 2001/1148, art. 26](#) (with [art. 34](#))

#### Commencement Information

- I10** S. 91 wholly in force at 26.3.2001; s. 91 not in force at Royal Assent see s. 130; s. 91 in force for specified purposes at 26.2.2001 by [S.I. 2001/534, art. 2, Sch.](#); s. 91 in force in so far as not already in force at 26.3.2001 by [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

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## 92 Section 91: supplementary.

- (1) Subject to subsection (3), no relief or remedy shall be available under section 91 in relation to a packet except upon a claim by the sender or the addressee of the packet.
- (2) The sender or addressee concerned shall be entitled—
  - (a) to claim any relief or remedy available under this section whether or not he is the person who has suffered the loss or damage, and
  - (b) to give a good discharge in respect of all claims under this section in respect of the packet concerned.
- (3) Where the court is satisfied, on an application by a person who is not the sender or addressee of the packet, that the sender and the addressee are unable or unwilling to enforce their reliefs or remedies under this section, the court may, upon such terms as to security, caution, costs, expenses and otherwise as the court considers appropriate, allow that other person to bring proceedings under this section in the name of the sender or the addressee of the packet.
- (4) Where, by virtue of subsection (2) or (3), a person recovers any money or property which, apart from that subsection, would have been recoverable by another person, the money or property so recovered shall be held on trust for that other person.
- (5) The amount recoverable in any proceedings under section 91 in relation to a packet of any description shall not exceed—
  - (a) the market value of the packet at the time when the cause of action arises, or
  - (b) the maximum amount payable under a scheme made under section 89 for compensating the person aggrieved in respect of a packet of that description.
- (6) For the purposes of subsection (5)(a) the market value of a packet shall not include the market value of—
  - (a) any message or information which it bears, or
  - (b) any item which, in relation to packets of that description, is excluded from the operation of this section by a scheme under section 89.
- (7) For the purposes of any proceedings under section 91, it shall be presumed, unless the contrary is shown, that loss of, or damage to, the packet was due to such conduct as is mentioned in subsection (2) of that section.
- (8) In this section—
 

“sender”, in relation to a packet, has such meaning as may be given to it by any provision of a scheme made under section 89 and relating to an inland packet to which section 91 applies,

and any reference in this section to the sender or addressee of a packet includes a reference to his personal representatives.

### Modifications etc. (not altering text)

**C8** S. 92 applied (with modifications) (22.3.2001) by [S.I. 2001/1148](#), [art. 26](#) (with [art. 34](#))

### Commencement Information

**I11** S. 92 wholly in force at 26.3.2001; s. 92 not in force at Royal Assent see s. 130; s. 92 in force for specified purposes at 26.2.2001 by [S.I. 2001/534](#), [art. 2](#), [Sch.](#); s. 92 in force in so far as not already in force at 26.3.2001 by [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

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### 93 Power to modify sections 89 to 92.

- (1) The Secretary of State may by order modify sections 89 to 92.
- (2) Before making an order under subsection (1), the Secretary of State shall consult [<sup>F90</sup>OFCOM], the Council and such other persons as he considers appropriate.

#### Textual Amendments

**F90** Word in s. 93(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 27](#); S.I. 2011/2329, art. 3

#### *Supplementary powers for universal postal service*

### 94 Power to require carriage of mail-bags by ship or aircraft.

- (1) A universal service provider may, for any purpose in connection with the provision of a universal postal service, require by notice the owner or operator of a relevant ship or aircraft to carry mail-bags in the ship or aircraft.
- (2) In subsection (1) “relevant ship or aircraft” means any ship or aircraft which carries on regular communications between two places in the United Kingdom, one of which is not readily accessible by road.
- (3) The remuneration for any services provided in pursuance of this section shall be determined—
  - (a) by agreement between the universal service provider and the owner or operator concerned, or
  - (b) in the absence of agreement, by the [<sup>F91</sup>First-tier Tribunal] or, where both places between which the ship or aircraft carries on regular communications are in Northern Ireland, by the Department for Regional Development in Northern Ireland.

#### Textual Amendments

**F91** Words in s. 94(3)(b) substituted (1.9.2009) by [Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\), art. 1\(1\), Sch. 1 para. 25](#)

### 95 Power to acquire land etc.

Schedule 5 (which provides for the compulsory acquisition of land by universal service providers) and Schedule 6 (which makes other provision in relation to land) shall have effect.

#### *Articles in transit*

### 96 Immunity from prosecution.

- (1) A universal service provider and a person who is engaged in the business of such a provider shall be entitled to the same immunity from prosecution for conduct in the

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provision of a universal postal service and falling within subsection (2) as the provider and that person would be entitled to if the provider were a government department.

- (2) The following conduct falls within this subsection—
- (a) possession of anything contained in a postal packet which is in the course of transmission by post where possession of it is prohibited by virtue of any enactment, and
  - (b) failure to comply, in relation to anything contained in a postal packet which is in the course of transmission by post, with any condition or restriction imposed by virtue of any enactment in relation to its possession, conveyance or delivery.

#### Commencement Information

**I12** S. 96 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

## 97 Harbour charges on mail-bags.

- (1) No charge imposed by a harbour authority in respect of goods brought into, taken out of, or carried through a relevant harbour shall apply to goods contained in mail-bags—
  - (a) carried by [<sup>F92</sup>a postal operator in connection with the provision of postal services],
  - (b) consigned by [<sup>F93</sup>a postal operator in connection with the provision of postal services] to another for carriage (whether to a foreign postal administration or not), or
  - (c) consigned by a foreign postal administration to [<sup>F94</sup>a postal operator in connection with the provision of postal services] for carriage.
- (2) No charge imposed by a harbour authority in respect of goods brought into, taken out of, or carried through a relevant harbour shall apply to goods contained in mail-bags which—
  - (a) are consigned by one foreign postal administration to another, and
  - (b) are mail-bags which, when in the United Kingdom, are in the charge of [<sup>F95</sup>a postal operator in connection with the provision of postal services].
- (3) Charges which are exigible by a harbour authority at a relevant harbour in respect of mail-bags which are carried or consigned as mentioned in subsection (1) or (2) and their contents shall not be payable before the end of the period of eight weeks starting with the day on which the bags are brought within the limits of the harbour.
- (4) Subsection (3) applies despite anything in any statutory provision made with respect to the harbour authority concerned.
- (5) Such charges as are mentioned in subsection (3) may be recovered by means of proceedings instituted in that behalf in any court of competent jurisdiction; but not otherwise.
- (6) In this section and section 98—
 

“harbour authority”—

  - (a) except in relation to Northern Ireland, has the same meaning as in the <sup>M6</sup>Harbours Act 1964,

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- (b) in relation to Northern Ireland, means any person in whom are vested, by any statutory provision, the powers or duties of improving, maintaining or managing a harbour,  
“relevant harbour”, in relation to a harbour authority, means a harbour which, in the exercise and performance of statutory powers and duties, the harbour authority are engaged in improving, maintaining or managing, and  
“statutory provision”—
    - (a) except in relation to Northern Ireland, has the meaning given by section 57(1) of the <sup>M7</sup>Harbours Act 1964 (and, as regards Scotland, includes an Act of the Scottish Parliament and an instrument made under such an Act),
    - (b) in relation to Northern Ireland, has the same meaning as in section 1(f) of the <sup>M8</sup>Interpretation Act (Northern Ireland) 1954.
- (7) The reference in the definition of “relevant harbour” in subsection (6) to a harbour which, in the exercise and performance of statutory powers and duties, a harbour authority are engaged in improving, maintaining or managing shall be construed—
- (a) except in relation to Northern Ireland, as if it were contained in the <sup>M9</sup>Harbours Act 1964, and
  - (b) in relation to Northern Ireland, as a reference to a harbour which is being improved, maintained or managed by a harbour authority—
    - (i) in the exercise of powers conferred by a statutory provision,
    - (ii) in the performance of duties imposed by a statutory provision, or
    - (iii) in the exercise and performance of powers conferred, and duties imposed, by a statutory provision.

#### Textual Amendments

- F92** Word in s. 97(1)(a) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 28\(2\)\(a\)](#); S.I. 2011/2329, art. 3
- F93** Words in s. 97(1)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 28\(2\)\(b\)](#); S.I. 2011/2329, art. 3
- F94** Words in s. 97(1)(c) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 28\(2\)\(b\)](#); S.I. 2011/2329, art. 3
- F95** Words in s. 97(2)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 28\(3\)](#); S.I. 2011/2329, art. 3

#### Marginal Citations

- M6** 1964 c. 40.
- M7** 1964 c. 40.
- M8** 1954 c. 33 (N.I.).
- M9** 1964 c. 40.

## 98 Mail-bags not to be subject to control by harbour authorities.

Nothing in a statutory provision (whenever made) with respect to a harbour authority shall extend to regulate or subject to control mail-bags—

- (a) carried by [<sup>F96</sup>a postal operator in connection with the provision of postal services],

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- (b) consigned by [<sup>F97</sup>a postal operator in connection with the provision of postal services] to another for carriage (whether to a foreign postal administration or not),
- (c) consigned by a foreign postal administration to [<sup>F98</sup>a postal operator in connection with the provision of postal services] for carriage, or
- (d) consigned by one foreign postal administration to another and which, when in the United Kingdom, are in the charge of [<sup>F99</sup>a postal operator in connection with the provision of postal services].

#### Textual Amendments

- F96** Words in s. 98(a) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 29\(a\)](#); S.I. 2011/2329, art. 3
- F97** Words in s. 98(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 29\(b\)](#); S.I. 2011/2329, art. 3
- F98** Words in s. 98(c) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 29\(c\)](#); S.I. 2011/2329, art. 3
- F99** Words in s. 98(d) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 29\(d\)](#); S.I. 2011/2329, art. 3

#### *Common carriers*

### 99 Common carriers.

A [<sup>F100</sup>postal operator] shall not be regarded as a common carrier so far as he is providing [<sup>F101</sup>postal services].

#### Textual Amendments

- F100** Words in s. 99 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 30\(a\)](#); S.I. 2011/2329, art. 3
- F101** Words in s. 99 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 30\(b\)](#); S.I. 2011/2329, art. 3

#### *Certain exemptions from postage etc.*

### 100 Certain exemptions from postage etc.

- <sup>F102</sup>(1) .....
- <sup>F102</sup>(2) .....
- <sup>F102</sup>(3) .....

- (4) Subsection (5) applies where the postage chargeable by a [<sup>F103</sup>postal operator] in connection with the provision of [<sup>F104</sup>postal services] on a postal packet consisting of parliamentary proceedings has not been prepaid by the sender or has been insufficiently prepaid by him.

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- (5) No sum exceeding the amount of the postage or (as the case may be) the deficiency may be recovered by the [<sup>F105</sup>postal operator] (whether from the sender or the addressee).
- (6) In this section “parliamentary proceedings” means proceedings of either House of Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.

#### Textual Amendments

- F102** S. 100(1)-(3) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 31\(2\)](#); [S.I. 2011/2329, art. 3](#)
- F103** Words in s. 100(4) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 31\(3\)\(a\)](#); [S.I. 2011/2329, art. 3](#)
- F104** Words in s. 100(4) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 31\(3\)\(b\)](#); [S.I. 2011/2329, art. 3](#)
- F105** Words in s. 100(5) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 31\(4\)](#); [S.I. 2011/2329, art. 3](#)

#### Modifications etc. (not altering text)

- C9** S. 100 applied (22.3.2001) by [S.I. 2001/1148, art. 27](#) (with art. 34)

## PART VII

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Supplementary powers of the Secretary of State*

#### **101 Directions in interests of national security etc.**

- (1) The Secretary of State may give [<sup>F106</sup>a direction to OFCOM in connection with the exercise of their functions relating to postal services] if he considers it necessary or expedient to do so—
- (a) in the interests of national security or in the interests of encouraging or maintaining the United Kingdom’s relations with another country or territory,
  - (b) in order—
    - (i) to discharge, or facilitate the discharge of, an international obligation,
    - (ii) to attain, or facilitate the attainment of, any other object which the Secretary of State considers it necessary or expedient to attain in view of Her Majesty’s Government in the United Kingdom being a member of an international organisation or a party to an international agreement, or
    - (iii) to enable Her Majesty’s Government in the United Kingdom to become a member of such an organisation or a party to such an agreement.
- (2) Directions under subsection (1) may, in particular, require [<sup>F107</sup>OFCOM]—
- (a) to do or not to do a particular thing, or
  - (b) to secure that a particular thing is done or not done.

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- (3) The Secretary of State may, if he considers it necessary or expedient to do so for any of the purposes mentioned in subsection (1)(a) or (b), give <sup>F108</sup>a direction (relating to the provision of postal services) to—
- (a) a postal operator,
  - (b) a description of postal operators, or
  - (c) all postal operators.]
- (4) Directions under subsection (3) may, in particular, require a <sup>F109</sup>postal operator]—
- (a) to do or not to do a particular thing, or
  - (b) to secure that a particular thing is done or not done.
- (5) Before giving a direction under subsection (1), the Secretary of State shall consult <sup>F110</sup>OFCOM].
- <sup>F111</sup>(6) Before giving a direction under subsection (3) to a particular postal operator (as opposed to all postal operators or a description of them), the Secretary of State must consult the operator.]
- (7) The Secretary of State—
- (a) shall send to <sup>F112</sup>OFCOM] a copy of any direction given under subsection (3), and
  - (b) shall lay before each House of Parliament a copy of any direction given under this section.
- (8) Subsection (7)(b) does not apply if the Secretary of State considers that the disclosure of the direction would be against the interests of national security or the interests of the United Kingdom's relations with another country or territory or against the commercial interests of any person who has not consented to the disclosure.
- (9) A person shall not disclose, and is not required by any enactment or otherwise to disclose, a direction given or other thing done or omitted to be done by virtue of this section if the Secretary of State notifies him that he considers that—
- (a) disclosure would be against the interests of national security or the interests of the United Kingdom's relations with another country or territory, or
  - (b) disclosure would be against the commercial interests of any person (other than the person notified) who has not consented to the disclosure.
- (10) A person commits an offence if—
- (a) without reasonable excuse he contravenes a direction under this section, or
  - (b) he makes a disclosure in contravention of subsection (9).
- (11) A person who commits an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

#### Textual Amendments

**F106** Words in s. 101(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 32\(2\)](#); S.I. 2011/2329, art. 3

**F107** Word in s. 101(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 32\(3\)](#); S.I. 2011/2329, art. 3



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- F108** Words in s. 101(3) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 32(4)**; S.I. 2011/2329, art. 3
- F109** Words in s. 101(4) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 32(5)**; S.I. 2011/2329, art. 3
- F110** Word in s. 101(5) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 32(6)**; S.I. 2011/2329, art. 3
- F111** S. 101(6) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 32(7)**; S.I. 2011/2329, art. 3
- F112** Word in s. 101(7)(a) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 32(8)**; S.I. 2011/2329, art. 3

## **102 Power to ensure compliance with the Postal Services Directive.**

- (1) This section applies if the Secretary of State—
- (a) considers—
    - (i) that [<sup>F113</sup>an EU obligation] under the Postal Services Directive is not being complied with, or
    - (ii) that it is likely that any such obligation will not be complied with, and
  - (b) has been unable to obtain any undertakings from any person or persons which are sufficient to satisfy him that the situation will be remedied.
- (2) The Secretary of State may by order make such provision as he considers appropriate to ensure that the obligation is or will be complied with.
- (3) An order under this section may, in particular—
- (a) confer functions on [<sup>F114</sup>OFCOM] or the Council or modify their functions,
  - (b) require any postal operator or any postal operators of a particular description to provide such postal services as are specified in or determined by or under the order,
  - (c) specify terms and conditions on which such services are to be provided or provide for such terms and conditions to be determined by or under the order,
  - (d) provide for the payment of sums out of money provided by Parliament for any purpose of the order,
  - (e) provide for the enforcement of any provision of the order (including the creation of criminal offences punishable with a fine but not imprisonment).
- (4) Before making an order under this section, the Secretary of State shall consult any postal operator on whom a requirement is to be imposed by virtue of the order.
- (5) In deciding whether to make an order under this section the Secretary of State shall, in particular, have regard to the likely impact of the order on any business of a postal operator on whom a requirement is to be imposed by virtue of the order.

### **Textual Amendments**

- F113** Words in s. 102(1)(a)(i) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 33(2)**; S.I. 2011/2329, art. 3
- F114** Word in s. 102(3)(a) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 33(3)**; S.I. 2011/2329, art. 3

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### **103 Subsidy for public post offices.**

- (1) The Secretary of State may by order make a scheme for the making of payments for the purpose of—
  - (a) assisting in the provision of public post offices or public post offices of a particular description, or
  - (b) assisting in the provision of services to be provided from public post offices or public post offices of a particular description.
- (2) A scheme under this section which provides for the making of payments for a purpose falling within subsection (1)(b) shall ensure that no such payments may be made unless the person deciding whether to make the payments considers that the provision of the services concerned from public post offices or public post offices of a particular description would assist in the provision of public post offices or (as the case may be) public post offices of that description.
- (3) Payments under a scheme under this section shall be made by the Secretary of State or by another person out of money provided by the Secretary of State.
- (4) A scheme under this section shall specify—
  - (a) the descriptions of payments which may be made under the scheme,
  - (b) the descriptions of persons to whom such payments may be made,
  - (c) the person by whom such payments may be made,
  - (d) criteria to which that person is to have regard in deciding whether to make such payments, and
  - (e) the amounts of such payments or the basis on which such amounts are to be calculated.
- (5) A scheme under this section may, in particular, provide for—
  - (a) payments under the scheme to be made subject to conditions specified in or determined under the scheme (including conditions as to repayment),
  - (b) the delegation of functions exercisable by virtue of the scheme (including the delegation of any discretion conferred by virtue of the scheme),
  - (c) the modification of the functions of a body established by an enactment, or the functions of the holder of an office created by an enactment, for the purpose of enabling the person concerned to exercise any functions conferred on that person by virtue of the scheme,
  - (d) the payment by the Secretary of State of fees to any person in respect of functions exercised by that person by virtue of the scheme.
- (6) The power to make a scheme under this section shall not be exercised without the consent of the Treasury.

*Inviolability of mails etc.*

### **104 Inviolability of mails.**

- (1) Subsection (2) applies to—
  - (a) a postal packet,
  - (b) anything contained in a postal packet, and
  - (c) a mail-bag containing a postal packet,

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which is not the property of the Crown but which is in the course of transmission by post.

- (2) Anything to which this subsection applies shall have the same immunity from—
- (a) examination, or seizure or detention, under a relevant power conferred by virtue of this Act or any other enactment,
  - (b) seizure under distress or in execution,
  - (c) in Scotland, any diligence, and
  - (d) retention by virtue of a lien,
- as it would have if it were the property of the Crown.
- (3) In subsection (2) “relevant power” means any power other than—
- <sup>F115</sup>(a) .....
  - <sup>F115</sup>(b) .....
  - <sup>F116</sup>(ba) a power conferred by section 104A,]
  - (c) a power conferred by an enactment relating to customs or excise in its application, by virtue of section 105 or any regulations made under that section, to goods contained in postal packets, or
  - (d) a power conferred by section 106 or 107.
- (4) The Secretary of State may by order modify subsection (3).

#### Textual Amendments

**F115** S. 104(3)(a)(b) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 34\(a\)](#); [S.I. 2011/2329, art. 3](#); [S.I. 2011/2329, art. 3](#)

**F116** S. 104(3)(ba) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 34\(b\)](#); [S.I. 2011/2329, art. 3](#)

#### Modifications etc. (not altering text)

**C10** S. 104(1)-(3) applied (22.3.2001) by [S.I. 2001/1148, art. 28](#) (with [art. 34](#))

#### Commencement Information

**I13** S. 104 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

### <sup>F117</sup>104A Power to detain packets in respect of unpaid or underpaid postage

- (1) A postal operator—
- (a) may detain any postal packet in respect of which there has been no payment, or an underpayment, for postage, and
  - (b) may impose a surcharge in respect of that non-payment or underpayment.
- (2) A postal operator may detain the packet until the correct postage and any surcharge have been paid.
- (3) OFCOM may give a direction to a postal operator—
- (a) limiting the amount of any surcharge, and
  - (b) limiting the length of time for which a postal packet may be detained under subsection (2) (and, if a direction is given under this paragraph, that subsection has effect subject to the direction).

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- (4) Where a direction is given to an operator limiting the amount of a surcharge, subsection (2) has effect in relation to the operator (in any case where the surcharge would otherwise exceed the amount specified in the direction) as if the surcharge were equal to the amount specified in the direction.
- (5) Before giving a direction to a postal operator under this section, OFCOM must—
  - (a) inform the operator that they propose to give it a direction, and
  - (b) allow the operator an opportunity to make representations about the proposal.]

#### Textual Amendments

**F117** S. 104A inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 35](#); S.I. 2011/2329, art. 3

### 105 Application of customs and excise enactments to certain postal packets.

- (1) Subject as follows, the enactments for the time being in force in relation to customs or excise shall apply in relation to goods contained in postal packets to which this section applies which are brought into or sent out of the United Kingdom by post from or to any place outside the United Kingdom as they apply in relation to goods otherwise imported, exported or removed into or out of the United Kingdom from or to any such place.
  - (2) The Treasury, on the recommendation of the Commissioners of Customs and Excise and the Secretary of State, may make regulations for—
    - (a) specifying the postal packets to which this section applies,
    - (b) making modifications or exceptions in the application of the enactments mentioned in subsection (1) to such packets,
    - (c) enabling persons engaged in the business of a postal operator to perform for the purposes of those enactments and otherwise all or any of the duties of the importer, exporter or person removing the goods,
    - (d) carrying into effect any arrangement with the government or postal administration of any country or territory outside the United Kingdom with respect to foreign postal packets,
    - (e) securing the observance of the enactments mentioned in subsection (1),
    - (f) without prejudice to any liability of any person under those enactments, punishing any contravention of the regulations.
  - (3) Duties (whether of customs or excise) charged on imported goods or other charges payable in respect of postal packets to which this section applies (whether payable to a postal operator or to a foreign administration) may be recovered by the postal operator concerned and in England and Wales and Northern Ireland may be so recovered as a civil debt due to him.
  - (4) In any proceedings for the recovery of any charges payable as mentioned in subsection (3), a certificate of the postal operator concerned of the amount of the charges shall be evidence (and, in Scotland, sufficient evidence) of that fact.
- [<sup>F118</sup>(4A) A postal operator may detain a postal packet to which this section applies until any duties and charges in respect of the packet that are recoverable by virtue of subsection (3) have been paid.]

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(5) In this section “foreign postal packet” means any postal packet either posted in the United Kingdom and sent to a place outside the United Kingdom, or posted in a place outside the United Kingdom and sent to a place within the United Kingdom, or in transit through the United Kingdom to a place outside the United Kingdom.

[<sup>F119</sup>(6) And in this section “ goods ” includes cash (within the meaning of section 289(6) and (7) of the Proceeds of Crime Act 2002). ]

#### Textual Amendments

**F118** S. 105(4A) inserted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 36**; S.I. 2011/2329, art. 3

**F119** S. 105(6) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 99(4)**, 116(3)(b); S.I. 2010/52, art. 2

#### Modifications etc. (not altering text)

**C11** S. 105 applied (10.1.2012) by The Postal Packets (Revenue and Customs) Regulations 2011 (S.I. 2011/3036), regs. 1, 5 (with reg. 25)

#### Commencement Information

**I14** S. 105 wholly in force at 26.3.2001; s. 105 not in force at Royal Assent see s. 130; s. 105(2) in force at 26.2.2001 by S.I. 2001/534, art. 2, **Sch.**; s. 105(1)(3)-(5) in force at 26.3.2001 by S.I. 2001/1148, art. 2, **Sch.** (subject to arts. 3-42)

#### [<sup>F120</sup>Section 105: limit on handling charges etc

- (1) OFCOM may give a direction to a postal operator—
  - (a) limiting the amount of any handling charge, and
  - (b) limiting the length of time for which a postal packet may be detained under section 105(4A) (and, if a direction is given under this paragraph, that subsection has effect subject to the direction).
- (2) Where a direction is given to an operator limiting the amount of a handling charge, section 105(3) to (4A) have effect in relation to the operator (in any case where the charge would otherwise exceed the amount specified in the direction) as if the charge were equal to the amount specified in the direction.
- (3) Before giving a direction to a postal operator under this section, OFCOM must—
  - (a) inform the operator that they propose to give it a direction, and
  - (b) allow the operator an opportunity to make representations about the proposal.
- (4) In this section “handling charge” means a charge payable to a postal operator, in respect of a postal packet, for the performance by the operator of all or any of the duties mentioned in section 105(2)(c).]

#### Textual Amendments

**F120** S. 105A inserted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 37**; S.I. 2011/2329, art. 3

*Status: Point in time view as at 24/01/2013.*

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## 106 Power to detain postal packets containing contraband.

- (1) A postal operator may—
  - (a) detain any postal packet if he suspects that it may contain relevant goods,
  - (b) forward any packet so detained to the Commissioners of Customs and Excise.
- (2) In this section “relevant goods” means—
  - (a) any goods chargeable with any duty charged on imported goods (whether a customs or an excise duty) which has not been paid or secured, or
  - (b) any goods in the course of importation, exportation or removal into or out of the United Kingdom contrary to any prohibition or restriction for the time being in force by virtue of any enactment.
- (3) Subsection (1) is without prejudice to section 105.
- (4) The Commissioners may open and examine any postal packet forwarded to them under this section [<sup>F121</sup>in the presence of a representative of the postal operator].
- <sup>F122</sup>(5) .....
- (6) If the Commissioners find any relevant goods on opening and examining a postal packet under this section, they may detain the packet and its contents for the purpose of taking proceedings in relation to them.
- (7) If the Commissioners do not find any relevant goods on opening and examining a postal packet under this section, they shall—
  - (a) deliver the packet to the addressee upon his paying any postage and other sums chargeable on it, or
  - (b) <sup>F123</sup> ..., forward the packet to him by post.

### Textual Amendments

**F121** Words substituted for s. 106(4)(a)(b) (8.4.2010) by [Finance Act 2010 \(c. 13\), s. 57\(2\)](#)

**F122** S. 106(5) omitted (8.4.2010) by virtue of [Finance Act 2010 \(c. 13\), s. 57\(3\)](#)

**F123** Words in s. 106(7)(b) omitted (8.4.2010) by virtue of [Finance Act 2010 \(c. 13\), s. 57\(4\)](#)

### Commencement Information

**I15** S. 106 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

## 107 Conditions of transit of postal packets.

- (1) If a postal operator knows or reasonably suspects that a postal packet is being sent by post in contravention of section 85, he may—
  - (a) refuse the transmission of the packet,
  - (b) detain the packet and open it,
  - (c) subject to any requirements as to additional postage or charges, return the packet to its sender or forward it to its destination,
  - (d) destroy or otherwise dispose of the packet.
- (2) Subsection (1) is without prejudice to any other powers which the postal operator may have in relation to the packet (whether under the terms and conditions applicable to its transmission by post or otherwise).

*Status: Point in time view as at 24/01/2013.*

*Changes to legislation: Postal Services Act 2000 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The detention or disposal by a postal operator of any postal packet on the grounds of a contravention of section 85 or of any terms and conditions applicable to its transmission by post shall not exempt the sender from any proceedings which might have been taken if the packet had been delivered in due course of post.

**Modifications etc. (not altering text)**

**C12** S. 107(1) applied (22.3.2001) by [S.I. 2001/1148](#), [art. 29](#) (with [s. 34](#))

**Commencement Information**

**I16** S. 107 wholly in force at 26.3.2001, see [s. 130](#) and [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

*Evidential provisions*

**108 Evidence of amount of postage etc.**

- (1) The mark of—
- (a) a universal service provider in connection with the provision of a universal postal service, or
  - (b) a foreign postal administration,
- of any sum on any postal packet as due in respect of that packet shall, unless the contrary is shown, be sufficient proof in any legal proceedings of the liability of the packet to the sum so marked.
- (2) Subsections (3) to (5) apply in relation to any legal proceedings for the recovery of postage or other sums due in respect of postal packets.
- (3) In any such proceedings, the production of the packet concerned with a stamp or other endorsement on it of a universal service provider (and made in connection with the provision of a universal postal service) or of a foreign postal administration indicating that the packet—
- (a) has been refused or rejected,
  - (b) is unclaimed, or
  - (c) cannot for any other reason be delivered,
- shall, unless the contrary is shown, be sufficient proof of the fact indicated.
- (4) In any such proceedings, a certificate of a universal service provider that any mark, stamp or endorsement is such a mark, stamp or endorsement as is mentioned in subsection (1) or (3) shall, unless the contrary is shown, be sufficient proof of that fact.
- (5) In any such proceedings, the person from whom the packet concerned purports to have come shall, unless the contrary is shown, be taken to be the sender of the packet.

**Modifications etc. (not altering text)**

**C13** S. 108 applied (22.3.2001) by [S.I. 2001/1148](#), [art. 30](#) (with [art. 34](#))

**Commencement Information**

**I17** S. 108 wholly in force at 26.3.2001, see [s. 130](#) and [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

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## 109 Evidence of thing being a postal packet.

- (1) On the prosecution of an offence under this Act (whether summarily or on indictment), evidence that any article is in the course of transmission by post, or has been accepted by a postal operator for transmission by post, shall be sufficient evidence that the article is a postal packet.
- (2) In any proceedings in England and Wales for an offence under section 83 or 84 of this Act, section 27(4) of the <sup>M10</sup>Theft Act 1968 shall apply as it applies to proceedings for the theft of anything in the course of transmission by post.
- (3) In any proceedings in Northern Ireland for an offence under section 83 or 84 of this Act, section 26(5) of the <sup>M11</sup>Theft Act (Northern Ireland) 1969 shall apply as it applies to proceedings for the theft of anything in the course of transmission by post.

### Modifications etc. (not altering text)

**C14** S. 109 applied (7.3.2001) by S.I. 2001/878, art. 16 (with art. 17)

### Commencement Information

**I18** S. 109 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/878, art. 2, Sch. (subject to arts. 3-17)

### Marginal Citations

**M10** 1968 c. 60.

**M11** 1969 c. 16 (N.I.).

## 110 Certificates in relation to universal postal service letter boxes.

A certificate given by or on behalf of a universal service provider to the effect that any box or receptacle is or was provided by the provider concerned for the purpose of receiving postal packets, or any class of postal packets, for onwards transmission in connection with the provision of a universal postal service, shall, unless the contrary is shown, be sufficient proof in any legal proceedings of the facts stated.

### Commencement Information

**I19** S. 110 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/1148, art. 2, Sch. (subject to arts. 3-42)

## *Postal and money orders*

## 111 Exclusion of liability in relation to postal and money orders.

- (1) No proceedings shall lie or, in Scotland, be competent against [<sup>F124</sup>a Post Office company] for any loss or damage as a result of—
  - (a) a reasonable refusal by [<sup>F125</sup>the company] to pay a postal or money order which has been issued by it or a foreign postal administration, or
  - (b) a reasonable delay by [<sup>F126</sup>the company] in paying any such order.
- (2) Where a postal or money order issued by [<sup>F127</sup>a Post Office company] is presented for payment in the United Kingdom by a banker to whom it has been delivered for collection, payment of the order to the banker discharges it.



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- (3) Where a relevant uncrossed order issued by [<sup>F127</sup>a Post Office company] is presented for payment in the United Kingdom otherwise than by a banker to whom it has been delivered for collection, payment of the order to the person by whom it is presented discharges it.
- (4) A postal or money order issued by [<sup>F128</sup>a Post Office company] is discharged by the payment of the order outside the United Kingdom in accordance with arrangements made by [<sup>F129</sup>the company] in that regard.
- (5) Where a postal or money order issued by a foreign postal administration is paid by [<sup>F130</sup>a Post Office company] to a banker to whom it has been delivered for collection on behalf of a person other than the true owner of the order, [<sup>F131</sup>the company] shall not be liable to the true owner of the order by reason of having paid it to the banker.
- (6) Where a relevant uncrossed order issued by a foreign postal administration is presented to [<sup>F132</sup>a Post Office company] for payment otherwise than by a banker to whom it has been delivered for collection or the true owner of the order, payment of the order by [<sup>F133</sup>the company] to the person presenting it shall not make [<sup>F133</sup>the company] liable to the true owner of the order.
- (7) Any person acting as a banker in the United Kingdom who, in collecting in that capacity for any principal, has received payment from [<sup>F134</sup>a Post Office company] in respect of any postal order, or any document purporting to be a postal order, shall not incur liability to anyone except the principal by reason of having received the payment or having held or presented the order or document for payment.
- (8) Subsection (7) does not relieve any principal for whom any such order or document has been so held or presented of any liability in respect of his possession of the order or document or of the proceeds of the order or document.
- [<sup>F135</sup>(8A) In this section and sections 112 to 114 “Post Office company” has the meaning given by section 6 of the Postal Services Act 2011.]
- (9) In this section “relevant uncrossed order” means—
  - (a) an uncrossed postal or money order which—
    - (i) is expressed to be payable to a person specified or described in the order, and
    - (ii) is signed by or on behalf of that person or purports to be so signed, or
  - (b) an uncrossed postal order which is not expressed to be payable to a person specified or described in the order.
- (10) In this section and section 113 “banker” includes a body which carries on the business of banking.

#### Textual Amendments

- F124** Words in s. 111(1) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(2\)\(a\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)
- F125** Words in s. 111(1)(a) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(2\)\(b\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)
- F126** Words in s. 111(1)(b) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(2\)\(b\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)
- F127** Words in s. 111(2)(3) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(3\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)

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- F128** Words in s. 111(4) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(4\)\(a\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)
- F129** Words in s. 111(4) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(4\)\(b\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)
- F130** Words in s. 111(5) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(5\)\(a\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)
- F131** Words in s. 111(5) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(5\)\(b\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)
- F132** Words in s. 111(6) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(6\)\(a\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)
- F133** Words in s. 111(6) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(6\)\(b\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)
- F134** Words in s. 111(7) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(7\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)
- F135** S. 111(8A) inserted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(8\)](#); S.I. 2012/1095, art. 3(1) (with art. 4)

#### Modifications etc. (not altering text)

- C15** Ss. 111-114 modified (temp.) (15.9.2011) by [The Postal Services Act 2011 \(Commencement No. 1 and Transitional Provisions\) Order 2011 \(S.I. 2011/2329\), art. 4](#)
- C16** S. 111(1)-(4) modified (22.3.2001) by [S.I. 2001/1148, art. 31](#) (with art. 34)

#### Commencement Information

- I20** S. 111 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

## 112 Schemes in relation to postal and money orders.

- (1) [<sup>F136</sup>A Post Office company] shall not issue postal or money orders otherwise than in accordance with a scheme under this section.
- (2) [<sup>F136</sup>A Post Office company] may make a scheme under this section in relation to—
  - (a) the issue by it of postal or money orders,
  - (b) other services provided by it in connection with postal or money orders (whether orders issued by it or otherwise).
- (3) A scheme under this section is a scheme for determining any or all of the following (so far as not otherwise agreed)—
  - (a) the charges which are to be imposed in respect of the services concerned,
  - (b) the other terms and conditions which are to be applicable to the services concerned, and
  - (c) procedures for dealing with the complaints of persons who use the services concerned.
- (4) A scheme under this section may, in particular—
  - (a) adopt such system for the determination of the charges and other terms and conditions as the Post Office company considers appropriate (including determining them itself subject to any conditions and limitations provided for in the scheme),
  - (b) provide for the non-payment by the Post Office company after the end of a specified period, except on satisfaction of specified conditions, of a postal or money order issued by that company or a foreign postal administration,

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- (c) specify the manner in which, time and place at which and person by whom the charges are to be paid.
- (5) No provision may be made in any scheme under this section—
  - (a) for limiting the liability of [<sup>F137</sup>a Post Office company] for loss or damage, or
  - (b) for amending the rules of law relating to evidence.
- (6) A scheme under this section shall come into force on such day as is specified in the scheme; but no day earlier than the day after that on which the scheme has been published in the London, Edinburgh and Belfast Gazettes shall be so specified.
- (7) A scheme under this section may—
  - (a) make different provision for different cases or classes of case determined by, or in accordance with, the provisions of the scheme,
  - (b) modify any previous scheme made under this section.
- (8) Any charge payable by virtue of this section may be recovered by [<sup>F138</sup>a Post Office company] and in England and Wales and Northern Ireland may be so recovered as a civil debt due to it.
- (9) The production of a copy of any of the Gazettes mentioned in subsection (6) which purports to contain a scheme under this section shall be conclusive evidence in all legal proceedings of that scheme.
- (10) The Secretary of State may by order modify this section.

#### Textual Amendments

**F136** Words in s. 112(1)(2) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 39\(2\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with [art. 3\(2\)](#))

**F137** Words in s. 112(5) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 39\(3\)](#); [S.I. 2012/1095, art. 3\(1\)](#)

**F138** Words in s. 112(8) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 39\(3\)](#); [S.I. 2012/1095, art. 3\(1\)](#)

#### Modifications etc. (not altering text)

**C15** Ss. 111-114 modified (temp.) (15.9.2011) by [The Postal Services Act 2011 \(Commencement No. 1 and Transitional Provisions\) Order 2011 \(S.I. 2011/2329\), art. 4](#)

#### Commencement Information

**I21** S. 112 wholly in force; s. 112 not in force at Royal Assent see s. 130; s. 112(2)-(7)(9)(10) in force at 26.2.2001 by [S.I. 2001/534, art. 2, Sch.](#); s. 112(1),(8) in force at 26.3.2001 by [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

### 113 Recoupment of losses on wrongly paid money orders.

- (1) Subsection (2) applies where—
  - (a) a money order issued by [<sup>F139</sup>a Post Office company] or a foreign postal administration has been delivered for collection to a banker, and
  - (b) [<sup>F140</sup>a Post Office company (“the company”)] has paid the order to the banker when it should not have done so.

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- (2) The sum paid may be deducted from sums subsequently falling to be paid by [<sup>F141</sup>the company] company to the banker by way of payment of money orders so issued which have been delivered to the banker for collection.

#### Textual Amendments

- F139** Words in s. 113(1)(a) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 40\(2\)\(a\)](#); S.I. 2012/1095, art. 3(1) (with art. 5)
- F140** Words in s. 113(1)(b) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 40\(2\)\(b\)](#); S.I. 2012/1095, art. 3(1) (with art. 5)
- F141** Words in s. 113(2) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 40\(3\)](#); S.I. 2012/1095, art. 3(1) (with art. 5)

#### Modifications etc. (not altering text)

- C15** Ss. 111-114 modified (temp.) (15.9.2011) by [The Postal Services Act 2011 \(Commencement No. 1 and Transitional Provisions\) Order 2011 \(S.I. 2011/2329\), art. 4](#)
- C17** S. 113(1)(a) modified (22.3.2001) by [S.I. 2001/1148, art. 31](#) (with art. 34)

#### Commencement Information

- I22** S. 113 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

### 114 Special arrangements with other countries or territories.

- (1) References in sections 111 (other than subsection (4)), 112 and 113 to money orders issued by [<sup>F142</sup>a Post Office company] shall be construed as including references to special money orders issued by that company.
- (2) For the purposes of subsection (1) special money orders are orders for the payment of money in the United Kingdom which are issued by [<sup>F143</sup>a Post Office company] in pursuance of an arrangement made with a government or postal administration of any other country or territory for the transmission, by means of orders for the payment of money, of sums of money through post offices under the charge of [<sup>F144</sup>the company] and the postal administration of the other country or territory.
- (3) The reference in section 112(2)(b) to money orders shall be construed as including a reference to orders for the payment of money issued in pursuance of an arrangement of the kind mentioned in subsection (2) above by the postal administration of the other country or territory.

#### Textual Amendments

- F142** Words in s. 114(1) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 41\(2\)](#); S.I. 2012/1095, art. 3(1)
- F143** Words in s. 114(2) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 41\(3\)\(a\)](#); S.I. 2012/1095, art. 3(1)
- F144** Words in s. 114(2) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 41\(3\)\(b\)](#); S.I. 2012/1095, art. 3(1)

#### Modifications etc. (not altering text)

- C15** Ss. 111-114 modified (temp.) (15.9.2011) by [The Postal Services Act 2011 \(Commencement No. 1 and Transitional Provisions\) Order 2011 \(S.I. 2011/2329\), art. 4](#)

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#### Commencement Information

- I23** S. 114 wholly in force; s. 114 not in force at Royal Assent see s. 130; s. 114(1)(2) in force for specified purposes at 26.2.2001 by [S.I. 2001/534](#), [art. 2](#), [Sch.](#); s. 114 in force in so far as not already in force at 26.3.2001 by [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

#### Other

### 115 Extension of existing powers relating to the Post Office.

- (1) In section 7(2) of the <sup>M12</sup>Post Office Act 1969 (powers of the Post Office) after paragraph (r) there shall be inserted—
  - “(s) to enter into any form of financial transaction which it considers to be expedient and which does not fall within any of the preceding paragraphs;”.
- (2) After section 37(1) of that Act (loans by the Secretary of State to the Post Office) there shall be inserted—

“(1A) The Secretary of State may, with the approval of the Treasury, make loans to any subsidiary of the Post Office.”
- (3) After section 37(2) of that Act there shall be inserted—

“(2A) The power of the Secretary of State to make loans under this section includes power to make loans in currencies other than sterling.”
- (4) After section 37(3) of that Act (power to issue sums out of the National Loans Fund) there shall be inserted—

“(3A) Such sums may be issued in sterling or, where the loan is to be in a currency other than sterling, in that currency or in sterling.”
- (5) In section 73 of the <sup>M13</sup>British Telecommunications Act 1981 (borrowing powers of the Post Office etc), in subsection (1)(a) and (2)(a), after “sterling” there shall, in each case, be inserted “ or a currency other than sterling ”.
- (6) In section 74(2) of that Act (limit of indebtedness of the Post Office and its subsidiaries)—
  - (a) after sub-paragraph (i) there shall be inserted—

“(ia) money borrowed by any other subsidiary of the Post Office under section 37(1A) of the 1969 Act;”,
  - (b) for “£1,200 million” there shall be substituted “ £5,000 million ”, and
  - (c) the words “, not exceeding £1,700 million,” shall be repealed.
- (7) After section 74(4) of that Act there shall be inserted—

“(4A) For the purposes of this section equivalents in sterling shall be calculated as the Secretary of State considers appropriate.”

#### Marginal Citations

**M12** 1969 c. 48.

**M13** 1981 c. 38.

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## 116 The Postcode Address File.

- (1) The owner for the time being of the Postcode Address File shall—
- (a) maintain the File, and
  - (b) make the File available to any person who wishes to use it on such terms as are reasonable.
- (2) Compliance with subsection (1) shall be enforceable by civil proceedings brought by [F145]OFCOM] for an injunction or for interdict or for any other appropriate relief or remedy.
- [F146](2A) OFCOM may give a direction to the owner for the time being of the Postcode Address File requiring the owner—
- (a) to issue, and comply with, a code of practice dealing with the making of revisions to the File, or
  - (b) to make such modifications of the code as are specified in the direction.
- (2B) A direction under subsection (2A) is enforceable under Schedule 7 to the Postal Services Act 2011; but, where it is given to a person who is not providing a postal service, that Schedule has effect with the omission of paragraphs 7(2) and (3), 8(4) and 11.]
- (3) In this section—
- “the Postcode Address File” means—
- (a) the collection of relevant information which, immediately before the coming into force of this section, was owned by the Post Office, or
  - (b) that collection as it is from time to time revised, and
- “relevant information” means postcodes in the United Kingdom which may be used to facilitate the identification of delivery points for the purpose of providing postal services.
- (4) The terms which may be imposed under subsection (1)(b) include terms as to the payment of such fee (if any) as the owner considers appropriate.
- [F147](5) OFCOM may give a direction to the owner of the Postcode Address File as to the terms that may be imposed under subsection (1)(b).
- (6) If it does so, no term that contravenes the direction may be imposed under that provision.]

### Textual Amendments

- F145** Word in s. 116(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 42\(2\)](#); S.I. 2011/2329, art. 3
- F146** S. 116(2A)(2B) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 42\(3\)](#); S.I. 2011/2329, art. 3
- F147** S. 116(5)(6) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 42\(4\)](#); S.I. 2011/2329, art. 3

## [F148] 117 Records of the former Postmaster General’s department.

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**Textual Amendments**

**F148** S. 117 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 43](#); [S.I. 2011/2329](#), art. 3

**<sup>F149</sup>118 Supplementary provisions relating to the Council.**

.....

**Textual Amendments**

**F149** S. 118 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 44](#); [S.I. 2011/2329](#), art. 3

**<sup>F150</sup>119 General restrictions on disclosure of information.**

.....

**Textual Amendments**

**F150** S. 119 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 45](#); [S.I. 2011/2329](#), art. 3

*General*

**120 Offences by bodies corporate.**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) a person purporting to act in such a capacity,he as well as the body corporate commits the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) Where an offence under this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership commits the offence and shall be liable to be proceeded against and punished accordingly.

**121 Service of documents.**

- (1) Any document required or authorised by virtue of this Act to be served on any person may be served—

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- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address,
  - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) on the secretary of the body, or
  - (c) if the person is a partnership, by serving it in accordance with paragraph (a) on a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the <sup>M14</sup>Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
- (a) in the case of service on a body corporate or its secretary, it shall be the address of the registered or principal office of the body,
  - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership.
- (3) For the purposes of subsection (2) the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (4) Subsection (5) applies if a person to be served under this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined under subsection (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document.
- (5) In relation to that document, that address shall be treated as his proper address for the purposes of this section and section 7 of the <sup>M15</sup>Interpretation Act 1978 in its application to this section, instead of that determined under subsection (2).
- (6) This section does not apply to any document if rules of court make provision about its service.
- (7) In this section references to serving include references to similar expressions (such as giving or sending).

#### Marginal Citations

**M14** 1978 c. 30.

**M15** 1978 c. 30.

## 122 Orders and regulations.

- (1) Any power of the Secretary of State to make an order, or of the Treasury to make regulations, under this Act shall be exercisable by statutory instrument.
- (2) Any power of the Secretary of State to make an order, or of the Treasury to make regulations, under this Act—
  - (a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes,



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- (b) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State or (as the case may be) the Treasury considers appropriate.
- (3) The power of the Secretary of State under section <sup>F151</sup>...102 or 129 (including that power as extended by this section) may be exercised by modifying any enactment comprised in or made under this Act, or any other enactment.
- (4) The power of the Secretary of State under paragraph 6(1) of Schedule 8 (including that power as extended by this section) may be exercised by modifying any enactment.
- (5) The power of the Secretary of State under section <sup>F152</sup>...93, 104(4) or 112(10) as extended by this section may be exercised by modifying any enactment comprised in or made under this Act, or any other enactment.
- (6) The power of the Secretary of State under section 103 as extended by this section may be exercised by modifying any enactment.
- (7) The power of the Secretary of State under section 102, 103, 127(1) or 128 (including that power as extended by this section) may be exercised so as to make provision for the delegation of functions.
- (8) The fact that a power is conferred by this Act does not prejudice the extent of any other power so conferred.
- (9) Regulations under section 105 shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (10) An order under any of the following provisions shall, if made without a draft of it having been approved by a resolution of each House of Parliament, be subject to annulment in pursuance of a resolution of either House of Parliament: sections <sup>F153</sup>...70, 74, 102, 104(4) and 128 and paragraph 1(5) of Schedule 3 (including that paragraph as applied by section 118(3))<sup>F153</sup>... and paragraph 6(1) of Schedule 8.
- (11) An instrument containing an order under any of the provisions mentioned in subsection (10) which revokes, amends or re-enacts an order under any of the provisions mentioned in that subsection may (in spite of section 14 of the <sup>M16</sup>Interpretation Act 1978) be subject to a different procedure under that subsection from the procedure to which the instrument containing the original order was subject.
- (12) No order shall be made under section <sup>F154</sup>...93, 103, 112(10) or 127(1) unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (13) In this section references to enactment include references to any instrument or other document.

#### **Subordinate Legislation Made**

- P2** S. 122(3) Power partly exercised: different dates appointed for specified provisions by [S.I. 2001/1148](#) art. 2 (with saving and transitional provisions in arts. 3-42)

#### **Textual Amendments**

- F151** Words in s. 122(3) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 46\(2\)](#); [S.I. 2011/2329](#), art. 3
- F152** Word in s. 122(5) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 46\(3\)](#); [S.I. 2011/2329](#), art. 3

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**F153** Words in s. 122(10) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 46\(4\)](#); S.I. 2011/2329, art. 3

**F154** Words in s. 122(12) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 46\(5\)](#); S.I. 2011/2329, art. 3

#### Marginal Citations

**M16** 1978 c. 30.

### 123 Directions.

- (1) A person to whom a direction is given under this Act shall give effect to it.
- (2) Any power conferred by this Act to give a direction shall include power to vary or revoke the direction.
- (3) Any direction given under this Act shall be in writing.
- [<sup>F155</sup>(4) OFCOM may give a direction under this Act only if they are satisfied that the direction—
  - (a) is objectively justifiable,
  - (b) does not discriminate unduly against particular persons or a particular description of persons,
  - (c) is proportionate to what it is intended to achieve, and
  - (d) is transparent in relation to what it is intended to achieve.]

#### Textual Amendments

**F155** S. 123(4) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 47](#); S.I. 2011/2329, art. 3

### 124 General financial provision.

- (1) There shall be paid out of money provided by Parliament—
  - <sup>F156</sup>(a) .....
  - (b) any expenditure incurred by the Treasury or the Secretary of State in consequence of this Act (apart from any expenditure to be met from the National Loans Fund), and
  - (c) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There shall be paid out of, or into, the National Loans Fund any increase attributable to this Act in the sums so payable under any other enactment.
- (3) There shall be paid into the Consolidated Fund any sums received by the Treasury, the Secretary of State or the Commission in consequence of this Act (apart from any sums required to be paid into the National Loans Fund).

#### Textual Amendments

**F156** S. 124(1)(a) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 48](#); S.I. 2011/2329, art. 3

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## 125 Interpretation.

(1) In this Act, unless the context otherwise requires—

“body” includes an unincorporated association,

“contravention”, in relation to any requirement, condition, direction, order or regulations, includes any failure to comply with it and cognate expressions shall be construed accordingly,

“correspondent”, in relation to a postal packet, means the sender or the person to whom it is addressed,

[<sup>F157</sup>“the Council” means the National Consumer Council, ]

“employee”, in relation to a body corporate, includes any officer or director of the body corporate and any other person taking part in its management, and “employer” and other related expressions shall be construed accordingly,

“enactment” includes an Act of the Scottish Parliament, Northern Ireland legislation (within the meaning of the <sup>M17</sup>Northern Ireland Act 1998) and an enactment comprised in subordinate legislation, and includes an enactment whenever passed or made,

“financial year” means a year ending with 31st March,

“foreign postal administration” means a postal administration outside the United Kingdom,

“hovercraft” has the same meaning as in the <sup>M18</sup>Hovercraft Act 1968,

“letter” means any communication in written form on any kind of physical medium to be conveyed and delivered otherwise than electronically to the person or address indicated by the sender on the item itself or on its wrapping (excluding any book, catalogue, newspaper or periodical); and includes a postal packet containing any such communication,

“mail-bag” includes any form of container or covering in which postal packets in the course of transmission by post are enclosed by a postal operator in the United Kingdom or a foreign postal administration for the purpose of conveyance by post, whether or not it contains any such packets,

“modify” includes amend or repeal,

“Northern Ireland junior Minister” means a member of the Northern Ireland Assembly appointed as a junior Minister under section 19 of the <sup>M19</sup>Northern Ireland Act 1998,

“Northern Ireland Minister” includes the First Minister and the deputy First Minister in Northern Ireland,

“notice” means notice in writing,

[<sup>F158</sup>“OFCOM” means the Office of Communications,]

“post office” includes any house, building, room, vehicle or place used for the provision of any postal services,

“post office letter box” includes any pillar box, wall box, or other box or receptacle provided by a postal operator for the purpose of receiving postal packets, or any class of postal packets, for onwards transmission by post,

[<sup>F159</sup>“postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 27(3) to (5) of that Act),]

“postal packet” means a letter, parcel, packet or other article transmissible by post,

“postal services” means the service of conveying postal packets from one place to another by post, the incidental services of receiving, collecting,

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sorting and delivering such packets and any other service which relates to any of those services and is provided in conjunction with any of them,

“the Postal Services Directive” means the Directive of the European Parliament and the Council of the European Union of 15th December 1997 (No.97/67/EC) on common rules for the development of the internal market of Community postal services and the <sup>F160</sup>improvement of quality of service, as amended from time to time,]

“public holiday” means Christmas Day, Good Friday or a day which is a bank holiday under the <sup>M20</sup>Banking and Financial Dealings Act 1971 in any part of the United Kingdom,

<sup>F161</sup>“public post office” means any post office from which any postal services are provided directly to the public (whether or not together with other services),]

“registered post service” means a postal service which provides for the registration of postal packets in connection with their transmission by post and for the payment of compensation for any loss or damage,

“sender”, in relation to any letter or other communication, means the person whose communication it is,

“ship” includes any boat, vessel or hovercraft,

“subordinate legislation” has the same meaning as in the <sup>M21</sup>Interpretation Act 1978 and also includes an instrument made under an Act of the Scottish Parliament and an instrument made under Northern Ireland legislation (within the meaning of section 98(1) of the <sup>M22</sup>Northern Ireland Act 1998),

<sup>F162</sup>references to the provision of a “universal postal service” are to be read in accordance with sections 30 to 33 and section 65(3) of the Postal Services Act 2011,]

<sup>F162</sup>“universal postal service letter box” has the meaning given by section 86 of this Act,]

<sup>F162</sup>“universal postal service post office” has the meaning given by that section,]

<sup>F162</sup>“universal service provider” has the meaning given by section 65(1) of the Postal Services Act 2011,]

“users”, in relation to postal services, includes users as addressees and potential users,

“vehicle” includes a railway vehicle, and

“working day” means—

- (a) in relation to the collection and delivery of letters, any day which is not a Sunday or a public holiday,
- (b) in relation to the collection and delivery of postal packets other than letters, any day which is not a Saturday, a Sunday or a public holiday.

(2) For the purposes of the definition of “letter” in subsection (1) the reference to a communication to be conveyed and delivered otherwise than electronically shall be construed as a reference to a communication to be conveyed and delivered otherwise than—

- (a) by means of <sup>F163</sup>an electronic communications network], or
- (b) by other means but while in electronic form.

(3) For the purposes of this Act—

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- (a) a postal packet shall be taken to be in course of transmission by post from the time of its being delivered to any post office or post office letter box to the time of its being delivered to the addressee,
  - (b) the delivery of a postal packet of any description to a letter carrier or other person authorised to receive postal packets of that description for the post or to a person engaged in the business of a postal operator to be dealt with in the course of that business shall be a delivery to a post office, and
  - (c) the delivery of a postal packet—
    - (i) at the premises to which it is addressed or redirected, unless they are a post office from which it is to be collected,
    - (ii) to any box or receptacle to which the occupier of those premises has agreed that postal packets addressed to persons at those premises may be delivered, or
    - (iii) to the addressee's agent or to any other person considered to be authorised to receive the packet,shall be a delivery to the addressee.
- (4) Any reference in this Act to a subsidiary or wholly owned subsidiary shall be construed in accordance with [<sup>F164</sup>section 1159 of the Companies Act 2006].

#### Textual Amendments

- F157** Words in s. 125(1) inserted (21.12.2007 for specified purposes, 1.10.2008 in so far as not already in force) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\)](#), **ss. 30(4)(c)**, 66(2) (with s. 6(9), Sch. 3); S.I. 2007/3546, art. 3, Sch.; S.I. 2008/2550, art. 2, Sch.
- F158** Words in s. 125(1) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 49(2)**; S.I. 2011/2329, art. 3
- F159** Words in s. 125(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 49(3)**; S.I. 2011/2329, art. 3
- F160** Words in s. 125(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 49(4)**; S.I. 2011/2329, art. 3
- F161** Words in s. 125(1) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 49(5)**; S.I. 2011/2329, art. 3
- F162** Words in s. 125(1) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 49(6)**; S.I. 2011/2329, art. 3
- F163** Words in s. 125(2)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 162(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F164** Words in s. 125(4) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 183(5)** (with art. 10)

#### Marginal Citations

- M17** 1998 c. 47.  
**M18** 1968 c. 59.  
**M19** 1998 c. 47.  
**M20** 1971 c. 80.  
**M21** 1978 c. 30.  
**M22** 1998 c. 47.

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## F165 126 Index of defined expressions.

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### Textual Amendments

**F165** S. 126 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 50](#); [S.I. 2011/2329](#), art. 3

## 127 General amendments and repeals.

- (1) The Secretary of State may by order make such supplementary, incidental or consequential provision as he considers necessary or expedient for the general purposes, or any particular purpose, of this Act or in consequence of any provision made by or under this Act or for giving full effect to this Act or any such provision.
- (2) The power conferred by subsection (1) (including that power as extended by section 122) may, in particular, be exercised by modifying any enactment, instrument or other document.
- (3) No other provision of this Act restricts the power conferred by subsection (1).
- (4) Schedule 8 (which contains amendments of enactments) shall have effect.
- (5) Any amendment by that Schedule of an enactment comprised in subordinate legislation is without prejudice to any power to make further subordinate legislation modifying the amended enactment.
- (6) Schedule 9 (which contains repeals and revocations of enactments including enactments which are already obsolete or unnecessary) shall have effect.

### Commencement Information

- I24** S. 127(1)-(3)(5) in force at Royal Assent see s. 130; s. 127(4)(6) in force for specified purposes at 6.11.2000, in force for further specified purposes at 1.1.2001 by [S.I. 2000/2957](#), [arts. 2\(1\)\(2\)](#), [Schs. 1, 2](#) (with transitional provisions in [arts. 3-8](#)); s. 127(4) in force in so far as not already in force 26.3.2001 by [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#)); s. 127(6) in force for further specified purposes 26.3.2001 by [S.I. 2000/2957](#), [art. 2\(3\)](#), [Sch. 3](#) (with transitional provisions in [arts. 3-8](#)), [S.I. 2001/878](#), [art. 2](#), [Sch.](#), [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to transitional provisions in [arts. 3-42](#))
- I25** S. 127(6) in force at 1.5.2007 for specified purposes by [S.I. 2007/1181](#), [art. 2](#), [Sch.](#)

## 128 Modifications of local enactments etc.

- (1) The Secretary of State may by order make such supplementary, incidental or consequential provision in relation to local enactments as he considers necessary or expedient for the general purposes, or any particular purpose, of this Act or in consequence of any provision made by or under this Act or for giving full effect to this Act or any such provision.
- (2) The power conferred by subsection (1) (including that power as extended by section 122) may, in particular, be exercised by modifying any local enactment or any instrument or other document which is not an Act.

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- (3) No other provision of this Act restricts the power conferred by subsection (1).
- (4) In this section “local enactment” means—
- (a) a local or private Act,
  - (b) a public general Act relating to London,
  - (c) an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure, or
  - (d) an enactment in a public general Act amending anything falling within paragraphs (a) to (c).

## 129 Transitional provisions etc.

The Secretary of State may by order make such provision as he considers necessary or expedient for transitory, transitional or saving purposes in connection with the coming into force of any provision of this Act.

### Subordinate Legislation Made

- P3** [S. 129](#) power exercised: 26.3.2001 appointed for specified provisions by [S.I. 2001/878](#) art. 2, Sch. (with saving and transitional provisions in arts. 3-17)  
[S. 129](#) Power partly exercised: different dates appointed for specified provisions by [S.I. 2001/1148](#) art. 2 (with saving and transitional provisions in arts. 3-42)

*Final*

## 130 Commencement.

- (1) Parts I to VI, sections 101 to 114, sections 116 to 119 (including Schedule 7) and section 127(4) and (6) (including Schedules 8 and 9) shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes or different areas.
- (2) Section 115 shall come into force at the end of the period of two months beginning with the day on which this Act is passed.

### Subordinate Legislation Made

- P4** [S. 130\(1\)](#) power partly exercised: different dates appointed for specified provisions by [S.I. 2000/2957](#), art. 2(1)-(3), Schs. 1, 2, 3 (as amended by [S.I. 2001/1148](#) art. 43(1))  
[S. 130\(1\)](#) power partly exercised: 26.2.2001 appointed for specified provisions by [S.I. 2001/534](#), art. 2, Sch.  
[S. 130\(1\)](#) power partly exercised: 26.3.2001 appointed for specified provisions by [S.I. 2001/878](#) art. 2, Sch. (with saving and transitional provisions in arts. 3-17)  
[S. 130\(1\)](#) Power partly exercised: different dates appointed for specified provisions by [S.I. 2001/1148](#) art. 2 (with saving and transitional provisions in arts. 3-42)

## 131 Short title and extent.

- (1) This Act may be cited as the Postal Services Act 2000.

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- (2) Any modification by this Act of an enactment has the same extent as the enactment modified.
- (3) Subject to that, this Act extends to Northern Ireland.
- (4) Sections 127(1) to (3) and 129 and this section, together with sections 122 and 125 so far as they relate to those provisions, extend to the Isle of Man and the Channel Islands (in addition to any provisions of this Act which so extend by virtue of subsection (2) above).



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## SCHEDULES

### <sup>F166</sup>SCHEDULE 1

Section 1(3).

#### Textual Amendments

**F166** Sch. 1 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 51](#); [S.I. 2011/2329, art. 3](#)

### <sup>F167</sup>SCHEDULE 2

Section 2(3).

#### Textual Amendments

**F167** Sch. 2 repealed (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007 \(c. 17\), s. 66\(2\)](#), [Sch. 8](#); [S.I. 2008/2550, art. 2, Sch.](#)

### SCHEDULE 3

Section 62(6).

#### TRANSFER TO THE POST OFFICE COMPANY: SUPPLEMENTARY PROVISIONS

##### *General provisions as to vesting of property etc.*

- 1 (1) Anything (including any legal proceedings) which, immediately before the appointed day, is in the process of being done by or in relation to the Post Office may, so far as it relates to anything transferred by virtue of section 62, be continued by or in relation to the original holding company.
- (2) Anything done (or having effect as if done) by or in relation to the Post Office for the purposes of or in connection with anything transferred by virtue of section 62 shall, if in force immediately before the appointed day, have effect as if done by or in relation to [<sup>F168</sup>the original holding company] in so far as that is required for continuing its effect on or after the appointed day.
- (3) The transfer effected by virtue of section 62 does not affect the validity of anything done (or having effect as if done) by or in relation to the Post Office before the appointed day.
- (4) Any agreement (whether or not in writing), or any document other than an agreement or enactment, which was made before the appointed day shall have effect, so far as

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may be necessary for the purposes of, or in consequence of, the transfer effected by virtue of section 62 as if—

- (a) any references (including references which are to be construed as such references) to the Post Office were references to [<sup>F168</sup>the original holding company], and
  - (b) any references (including references which are to be construed as such references) to an employee or other person serving the Post Office in a specified capacity were references to such a person as [<sup>F168</sup>the original holding company] may appoint or, in default of appointment, to a person with corresponding functions serving [<sup>F168</sup>the original holding company].
- (5) The Secretary of State may by order provide for any provision of sub-paragraphs (1) to (4) not to apply, or to apply with modifications, in such cases or descriptions of case as he considers appropriate.
- (6) Sub-paragraphs (1) to (4) are subject to any provision made by or under this Act.

#### Textual Amendments

**F168** Words in Sch. 3 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 52\(3\)](#); S.I. 2011/2329, art. 3

#### *Pensions*

- 2 (1) [<sup>F168</sup>The original holding company] shall, on and after the appointed day, be liable to make payments of the same descriptions as the descriptions of payments which, immediately before that day, the Post Office was liable to make under sections 44 and 46 of the <sup>M23</sup>Post Office Act 1969 (pension payments for certain former civil servants).
- (2) Sub-paragraph (1) is without prejudice to the generality of the transfer effected by virtue of section 62.

#### Textual Amendments

**F168** Words in Sch. 3 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 52\(3\)](#); S.I. 2011/2329, art. 3

#### Marginal Citations

**M23** 1969 c. 48.

- 3 Section 6(2) of the <sup>M24</sup>Commonwealth Telegraphs Act 1949 (which provides for the making of regulations with respect to the payment of pensions to, or in respect of, employees of Cable and Wireless Limited) shall have effect as if, in paragraph (c) and sub-paragraphs (iv), (v) and (vi) of paragraph (d), references which include references to the successor company (within the meaning of the <sup>M25</sup>Telecommunications Act 1984) included references to [<sup>F168</sup>the original holding company].

*Status: Point in time view as at 24/01/2013.*

*Changes to legislation: Postal Services Act 2000 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F168** Words in Sch. 3 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 52\(3\)](#); S.I. 2011/2329, art. 3

#### Marginal Citations

**M24** 1949 c. 39.

**M25** 1984 c. 12.

- 4 (1) Trustees appointed by [<sup>F168</sup>the original holding company] shall hold moneys held immediately before the appointed day by virtue of section 47(10) of the <sup>M26</sup>Post Office Act 1969 (moneys paid to the Post Office to meet certain pension liabilities), and any sums accruing as a result of the investment of such money, on such relevant trusts as [<sup>F168</sup>the original holding company] may declare.
- (2) For the purposes of sub-paragraph (1)—
- (a) the persons who were trustees appointed by the Post Office for the purposes of section 47 of the Act of 1969 immediately before the appointed day shall be treated, on and after that day, as if they are the first trustees appointed by [<sup>F168</sup>the original holding company], and
- (b) the trusts (as modified by paragraph 1 of this Schedule and with the substitution of references to paragraph 2 of this Schedule for references to sections 44 and 46 of the Act of 1969) on which the moneys were held by them immediately before the appointed day for the purposes of section 47 of the Act of 1969 shall be treated, on and after the appointed day, as if they are the first relevant trusts declared by [<sup>F168</sup>the original holding company].
- (3) Subject to that, for the purposes of sub-paragraph (1), trusts are relevant trusts if their objects consist in—
- (a) the payment, or the making of provision for the payment, of pensions, allowances and gratuities to, or in respect of, such persons engaged in the business of [<sup>F168</sup>the original holding company] or any company associated with [<sup>F168</sup>the original holding company] as may be specified in the trusts, and
- (b) the reimbursement of [<sup>F168</sup>the original holding company] for sums paid under paragraph 2,
- and include the objects of the first relevant trusts.

#### Textual Amendments

**F168** Words in Sch. 3 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 52\(3\)](#); S.I. 2011/2329, art. 3

#### Marginal Citations

**M26** 1969 c. 48.

### *Welfare funds*

- 5 (1) This paragraph applies to—

*Status: Point in time view as at 24/01/2013.*

*Changes to legislation: Postal Services Act 2000 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) a fund (whether described as a welfare fund, benevolent fund, mutual aid fund or otherwise) whose objects consist in, or include, the provision of benefits in case of need, sickness or distress for Post Office beneficiaries, and
  - (b) a society or organisation (however described) whose objects are similar.
- (2) In sub-paragraph (1) “Post Office beneficiaries” means any or all of the following persons—
- (a) persons who are, or have been, engaged in the business of the Post Office,
  - (b) the relatives or dependants of such persons.
- (3) The provisions of the trust deed, rules, regulations or other instrument constituting or regulating a fund, society or organisation to which this paragraph applies may, by resolution of the managers of the fund, society or organisation, be altered as mentioned in sub-paragraph (4).
- (4) The provisions may be altered so as—
- (a) to permit persons who are, or have been, engaged in the business of [<sup>F168</sup>the original holding company], or such persons of a particular description, to become members of, or subscribers to, the fund, society or organisation,
  - (b) to entitle such persons, or such persons of a particular description, and persons claiming in right of them, to receive benefits from the fund, society or organisation (subject to any terms and conditions specified in the resolution) if, and to the extent that, they would be entitled to receive benefits from it if being engaged in the business of [<sup>F168</sup>the original holding company] were being engaged in the business of the Post Office.
- (5) No alteration may be made that alters the character of the fund, society or organisation.
- (6) If a resolution of the managers of a fund, society or organisation to which this paragraph applies so provides—
- (a) any references in the trust deed, rules, regulations or other instrument constituting or regulating the fund, society or organisation to the Post Office shall be construed as references (or, if the context so requires, as including references) to [<sup>F168</sup>the original holding company], and
  - (b) any references in that instrument to persons engaged in the business of the Post Office or persons of a particular description so engaged shall be construed as references (or, if the context so requires, as including references) to persons engaged in the business of [<sup>F168</sup>the original holding company] or (as the case may be) persons of a corresponding description so engaged.
- (7) In this paragraph “managers” in relation to a fund, society or organisation, means the trustees, committee or other persons entrusted with its management.

#### **Textual Amendments**

**F168** Words in Sch. 3 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 52\(3\)](#); S.I. 2011/2329, art. 3

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### *Third party rights relating to land*

- 6 <sup>F169</sup>(1) .....
- (2) In this paragraph “relevant land right” means any of the following rights relating to land—
- (a) a right of reverter (or, in Scotland, the right of the fiar on the termination of a liferent),
  - (b) a right of pre-emption,
  - (c) a right of forfeiture,
  - (d) a right of re-entry,
  - (e) a right of irritancy,
  - (f) an option, and
  - (g) a right similar to anything falling within paragraphs (a) to (f).
- (3) A relevant land right shall have effect, in the case of the transfer effected by virtue of section 62, as if—
- (a) [<sup>F168</sup>the original holding company] were the same person in law as the Post Office, and
  - (b) no transfer of the land had taken place.
- (4) Such compensation as is just shall be paid by [<sup>F168</sup>the original holding company] to any person in respect of any relevant land right which would, apart from sub-paragraphs (1) to (3), have operated in favour of, or become exercisable by, that person but which, in consequence of the operation of those sub-paragraphs, cannot subsequently operate in his favour or (as the case may be) become exercisable by him.
- (5) Any dispute as to whether, or how much, compensation is payable or about the person to whom it is payable shall be referred to and determined by—
- (a) an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors (if the proceedings are to be held in England and Wales),
  - (b) an arbiter appointed by the Chairman of the Royal Institution of Chartered Surveyors in Scotland (if the proceedings are to be held in Scotland), or
  - (c) an arbitrator appointed by the [<sup>F170</sup>Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland] (if the proceedings are to be held in Northern Ireland).

#### **Textual Amendments**

- F168** Words in Sch. 3 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 52\(3\)](#); S.I. 2011/2329, art. 3
- F169** Sch. 3 para. 6(1) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 52\(2\)](#); S.I. 2011/2329, art. 3
- F170** Words in Sch. 3 para. 6(5)(c) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 292\(2\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(x)

### *Other third party property rights*

<sup>F1717</sup> .....

*Status: Point in time view as at 24/01/2013.*

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**Textual Amendments**

**F171** Sch. 3 para. 7 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 52\(2\)](#); S.I. 2011/2329, art. 3

*Requisitions on title as to Treasury consent*

8 A person dealing with [<sup>F168</sup>the original holding company] in respect of land transferred to it by virtue of section 62 shall not be bound or entitled to inquire whether the consent of the Treasury to any previous dealing with the land was needed or whether, if it was, it was given.

**Textual Amendments**

**F168** Words in Sch. 3 substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 52\(3\)](#); S.I. 2011/2329, art. 3

*Vesting of foreign property etc.*

<sup>F172</sup>9 .....

**Textual Amendments**

**F172** Sch. 3 para. 9 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 52\(2\)](#); S.I. 2011/2329, art. 3

*Interpretation*

<sup>F173</sup>10 .....

**Textual Amendments**

**F173** Sch. 3 para. 10 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 52\(2\)](#); S.I. 2011/2329, art. 3

SCHEDULE 4

Section 81.

TRANSFER TO THE POST OFFICE COMPANY: TAX

*Corporation tax: general*

1 The Post Office company shall, on and after the appointed day, be treated for all purposes of corporation tax as if it were the same person as the Post Office.

*Status:* Point in time view as at 24/01/2013.

*Changes to legislation:* Postal Services Act 2000 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### *Shares and other securities*

- 2 Any share issued by the Post Office company or any of its wholly owned subsidiaries in pursuance of section 63 shall be treated for the purposes of the Corporation Tax Acts as if it had been issued wholly in consideration of a subscription paid to the company concerned of an amount equal to the nominal value of the share.
- 3 Any security (other than a share) issued by the Post Office company or any of its wholly owned subsidiaries in pursuance of section 63 or 74 shall be treated for the purposes of the Corporation Tax Acts as if it had been issued wholly in consideration of a loan made to the company concerned of an amount equal to the principal sum payable under the security.

### *Debt*

- 4 Any debt assumed by the Post Office company under section 74(1) shall be treated for the purposes of the Corporation Tax Acts as if it had been assumed wholly in consideration of a loan made to the company of an amount equal to the principal sum payable under the debt.

### *Transfer arrangements*

F1745 .....

#### **Textual Amendments**

**F174** Sch. 4 para. 5 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 53](#); [S.I. 2011/2329](#), art. 3

### *Tax-free benefits*

- 6 Nothing in this Part and nothing done under it shall be regarded as a scheme or arrangement for the purposes of section 30 of the <sup>M27</sup>Taxation of Chargeable Gains Act 1992 (tax-free benefits).

#### **Marginal Citations**

**M27** 1992 c. 12.

### *Assets acquired by the Post Office in 1969*

- 7 The Act of 1992 shall apply in relation to a disposal by the Post Office company of an asset acquired by the Post Office by virtue of Part III of the <sup>M28</sup>Post Office Act 1969 as if the acquisition or provision of the asset by the Crown had been the acquisition or provision of it by the Post Office company.

#### **Marginal Citations**

**M28** 1969 c. 48.

*Status: Point in time view as at 24/01/2013.*

*Changes to legislation: Postal Services Act 2000 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Value added tax*

- 8 The Post Office company shall, on and after the appointed day, be treated for all purposes of value added tax as if it were the same person as the Post Office.

*Stamp duty*

F175g .....

**Textual Amendments**  
**F175** Sch. 4 para. 9 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 53](#); [S.I. 2011/2329, art. 3](#)

SCHEDULE 5

Section 95.

ACQUISITION OF LAND

**PART I**

POWERS OF ACQUISITION ETC

*England and Wales*

- 1 (1) The Secretary of State may authorise a universal service provider to purchase compulsorily any land in England and Wales [<sup>F176</sup>where it is necessary to do so for the purpose of providing a universal postal service].
- (2) The power of purchasing land compulsorily under this paragraph includes power to acquire, by creation of a new right, an easement or other right over land.
- (3) Any land in England and Wales vested in a universal service provider by virtue of this Schedule shall be deemed for all purposes to have been acquired by him for the purposes of his undertaking as a universal service provider.

**Textual Amendments**  
**F176** Words in Sch. 5 para. 1(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 54\(2\)](#); [S.I. 2011/2329, art. 3](#)

*Scotland*

- 2 (1) The Secretary of State may authorise a universal service provider to purchase compulsorily any land in Scotland [<sup>F177</sup>where it is necessary to do so for the purpose of providing a universal postal service].
- (2) The power of purchasing land compulsorily under this paragraph includes power to acquire, by creation of a new right, a servitude or other right over land.



*Status: Point in time view as at 24/01/2013.*

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- (3) Any land in Scotland vested in a universal service provider by virtue of this Schedule shall be deemed for all purposes to have been acquired by him for the purposes of his undertaking as a universal service provider.

#### Textual Amendments

**F177** Words in Sch. 5 para. 2(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 54\(3\)](#); S.I. 2011/2329, art. 3

#### Northern Ireland

- 3 (1) Where a universal service provider proposes to acquire, otherwise than by agreement, any land in Northern Ireland—
- [<sup>F178</sup>(a) which it is necessary to acquire for the purpose of providing a universal postal service, or]
- [<sup>F178</sup>(b) as to which it can reasonably be foreseen that it will be so necessary,]
- the universal service provider may apply to the Secretary of State for an order vesting the land in him, and the Secretary of State shall have power to make such an order.
- (2) The power of acquiring land compulsorily under this paragraph includes power to acquire, by the creation of a new right, an easement or other right over land.
- (3) The Secretary of State shall consult the First Minister and the deputy First Minister in Northern Ireland before exercising his power to make an order under this paragraph in respect of land which—
- (a) is the property of any public body which has power under any enactment to acquire land compulsorily, or
- (b) is declared by or under any enactment to be inalienable,
- where representations objecting to the proposal for making the order have been duly made by the owner of the land and not withdrawn.
- (4) Any land in Northern Ireland vested in a universal service provider by virtue of this Schedule shall be deemed for all purposes to have been acquired by him for the purposes of his undertaking as a universal service provider.
- (5) Section 122(1) does not apply to an order of the Secretary of State under this paragraph.
- (6) In this paragraph—
- “land” has the meaning given by section 45(1)(a) of the <sup>M29</sup>Interpretation Act (Northern Ireland) 1954, and
- “public body” means a body established by or under any enactment.

#### Textual Amendments

**F178** Sch. 5 para. 3(1)(a)(b) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 54\(4\)](#); S.I. 2011/2329, art. 3

#### Marginal Citations

**M29** 1954 c. 33 (N.I.) .

*Status: Point in time view as at 24/01/2013.*

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## PART II

### PROCEDURE, COMPENSATION ETC (ENGLAND AND WALES)

#### *Application of Acquisition of Land Act 1981*

- 4 (1) The <sup>M30</sup>Acquisition of Land Act 1981 shall apply to any compulsory purchase by a universal service provider of land or rights in England and Wales.
- (2) Schedule 3 to that Act shall apply in the case of a compulsory acquisition by a universal service provider of a right by the creation of a new right.

#### Marginal Citations

**M30** 1981 c. 67.

#### *New rights: Compulsory Purchase Act 1965*

- 5 The <sup>M31</sup>Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make it apply to a universal service provider's compulsory acquisition of a right in England and Wales by the creation of a new right as it applies to the compulsory acquisition of land, so that, in appropriate contexts, references in that Act to land are to be read as referring, or as including references, to—
- (a) the right acquired or to be acquired, or
  - (b) land over which the right is or is to be exercisable,
- according to the requirements of the particular context.

#### Marginal Citations

**M31** 1965 c. 56.

#### *New rights: specific adaptations of 1965 Act*

- 6 Without prejudice to the generality of paragraph 5, Part I of the <sup>M32</sup>Compulsory Purchase Act 1965 shall apply in relation to a universal service provider's compulsory acquisition of a right in England and Wales by the creation of a new right with the modifications specified in paragraphs 7 to 12.

#### Marginal Citations

**M32** 1965 c. 56.

- 7 For section 7 of that Act (measure of compensation) there shall be substituted the following section—

“7. In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or

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injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

8 In section 8 of that Act (protection for vendor against severance of house, garden, etc.), for subsection (1) there shall be substituted—

“(1) Subject to subsections (1A) to (1C), no person shall be required to grant any right over part only—

- (a) of any house, building or manufactory, or
- (b) of a park or garden belonging to a house,

if he is willing to sell the whole of the house, building, manufactory, park or garden.

(1A) The [<sup>F179</sup>Upper Tribunal] may determine that—

- (a) in the case of a house, building or manufactory, the part over which the right is proposed to be acquired can be made subject to that right without material detriment to the house, building or manufactory, or
- (b) in the case of a park or garden, the part over which the right is proposed to be acquired can be made subject to that right without seriously affecting the amenity or convenience of the house.

(1B) If the [<sup>F180</sup>Upper Tribunal makes] such a determination, the Tribunal shall award compensation in respect of any loss due to the acquisition of the right, in addition to its value; and the owner shall be required to grant to the acquiring authority that right over the part of the house, building, manufactory, park or garden.

(1C) In considering for the purposes of subsection (1A)—

- (a) the extent of any material detriment to a house, building or manufactory, or
- (b) any extent to which the amenity or convenience of a house is affected,

the [<sup>F179</sup>Upper Tribunal] shall have regard not only to the right which is to be acquired over the land, but also to any adjoining or adjacent land belonging to the same owner and subject to compulsory purchase.”

#### Textual Amendments

**F179** Words in Sch. 5 para. 8 substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 266(a)** (with Sch. 5)

**F180** Words in Sch. 5 para. 8 substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 266(b)** (with Sch. 5)

9 (1) The provisions of that Act referred to in sub-paragraph (2) (being provisions stating the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land) shall be modified in accordance with sub-paragraph (3).

(2) The provisions are—

- (section 9) (refusal by owners to convey),  
Schedule 1, paragraph 10(3) (owners under incapacity),  
Schedule 2, paragraph 2(3) (absent and untraced owners), and

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Schedule 4, paragraphs 2(3) and 7(2) (common land).

- (3) The provisions shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.
- 10 Section 11 of that Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, the acquiring authority have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on [<sup>F181</sup>enforcement officer's or sheriff's warrant] in the event of obstruction) shall be modified correspondingly.

#### Textual Amendments

**F181** Words in Sch. 5 para. 10 substituted (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 22 para. 11](#); S.I. 2007/2709, art. 5(b)

- 11 Section 20 of that Act (protection for interests of tenants at will etc.) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.
- 12 Section 22 of that Act (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

#### *New rights: compensation*

- 13 The enactments in force in England and Wales with respect to compensation for the compulsory purchase of land shall apply with the necessary modifications as respects compensation in the case of a universal service provider's compulsory acquisition of a right by the creation of a new right as they apply to compensation on the compulsory purchase of land and interests in land.

### PART III

#### PROCEDURE, COMPENSATION ETC (SCOTLAND)

#### *Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947*

- 14 The <sup>M33</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to the compulsory purchase by a universal service provider of land or rights in Scotland as if he were a local authority within the meaning of that Act, and as if this Act had been in force immediately before the commencement of that Act.

*Status: Point in time view as at 24/01/2013.*

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**Marginal Citations**

**M33** 1947 c. 42.

*New rights: application of 1947 Act and incorporated enactments*

- 15 The <sup>M34</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and the enactments incorporated with this Act by virtue of paragraph 14 above and paragraph 1 of the Second Schedule to that Act, shall have effect with the modifications necessary to make them apply to a universal service provider's compulsory acquisition of a right in Scotland by the creation of a new right as they apply to the compulsory acquisition of land, so that, in appropriate contexts, references in those enactments and that Act to land are to be read as referring, or as including references, to—
- (a) the right acquired or to be acquired, or
  - (b) land over which the right is or is to be exercisable,
- according to the requirements of the particular context.

**Marginal Citations**

**M34** 1947 c. 42.

*New rights: specific adaptations of 1947 Act*

- 16 Without prejudice to the generality of paragraph 15 above, Part III of the First Schedule to the <sup>M35</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (requirement of special parliamentary procedure, and other special provisions, in the case of acquisition of certain descriptions of land) shall apply in relation to a universal service provider's compulsory acquisition of a right in Scotland by the creation of a new right with the modifications specified in paragraphs 17 to 21 below.

**Marginal Citations**

**M35** 1947 c. 42.

- 17 In paragraph 9 of that Schedule (compulsory purchase affecting land of the National Trust for Scotland) for references to the compulsory purchase of land there shall be substituted references to the compulsory acquisition of rights over land.
- 18 In paragraph 10 of that Schedule (land of statutory undertakers)—
- (a) for the words “land comprised in the order” there shall be substituted the words “land over which a right is to be acquired by virtue of the order”,
  - (b) for the words “purchase of” there shall be substituted the words “acquisition of a right over”,
  - (c) for the words “it can be purchased and not replaced” there shall be substituted the words “the right can be acquired”,
  - (d) for sub-paragraph (ii) there shall be substituted the following sub-paragraph—

*Status: Point in time view as at 24/01/2013.*

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“(ii) that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to, or available for acquisition by, them”,

and

- (e) the references to “the Scottish Ministers” (as substituted by the <sup>M36</sup>Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999), however expressed, shall be construed as references to the Secretary of State.

#### Marginal Citations

M36 S.I. 1999/1820.

- 19 In paragraph 11 of that Schedule (common or open space), for sub-paragraph (1) there shall be substituted the following sub-paragraph—

“(1) In so far as a compulsory purchase order authorises the acquisition of a right over land forming part of a common or open space, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

- (a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before,
- (b) that there has been or will be given in exchange for the right additional land which will as respects the persons in whom there is vested the land over which the right is to be acquired, the persons, if any, entitled to rights of common or other rights over that land, and the public, be adequate to compensate them for the disadvantages which result from the acquisition of the right, and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be acquired, and subject to the like rights, trusts and incidents as attach to that land apart from the compulsory purchase order, or
- (c) that the land affected by the right to be acquired does not exceed 210 square metres in extent, and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.”

- 20 Paragraph 3(1) of the Second Schedule to the <sup>M37</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall be so modified as to secure that, as from the date on which the universal service provider has served notice to treat in respect of any right, he has power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice).

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**Marginal Citations**

**M37** 1947 c. 42.

21 For paragraph 4 of that Schedule (protection for owner against severance of property) there shall be substituted the following paragraphs—

“4. No person shall be required to grant any right over part only—

(a) of any house, building or manufactory, or

(b) of a park or garden belonging to a house,

if he is willing to sell the whole of the house, building, manufactory, park or garden, unless the Lands Tribunal for Scotland determines that—

(i) in the case of a house, building or manufactory, the part over which the right is proposed to be acquired can be made subject to that right without material detriment to the house, building or manufactory, or

(ii) in the case of a park or garden, the part over which the right is proposed to be acquired can be made subject to that right without seriously affecting the amenity or convenience of the house,

and if it so determines, it shall award compensation in respect of any loss due to the acquisition of the right, in addition to its value; and thereupon the party interested shall be required to grant to the acquiring authority that right over the part of the house, building, manufactory, park or garden.

4A. In considering, for the purposes of paragraph 4 above, the extent of any material detriment to a house, building or manufactory, or any extent to which the amenity or convenience of a house is affected, the Lands Tribunal for Scotland shall have regard not only to the right which is to be acquired over the land, but also to any adjoining or adjacent land belonging to the same owner and subject to compulsory purchase.”

*New rights: specific adaptations of Lands Clauses Consolidation (Scotland) Act 1845*

22 Without prejudice to the generality of paragraph 15 above, the <sup>M38</sup>Lands Clauses Consolidation (Scotland) Act 1845 shall apply in relation to a universal service provider’s compulsory acquisition of a right in Scotland by the creation of a new right with the modifications specified in paragraphs 23 to 26 below.

**Marginal Citations**

**M38** 1845 c. 19.

23 For section 61 of that Act (estimation of compensation) there shall be substituted the following section—

“61. In estimating the purchase money or compensation to be paid by the universal service provider under the special Act, in any of the cases aforesaid, regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right, but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or

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injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

- 24 The following provisions of that Act (being provisions stating the effect of a notarial instrument or of a disposition executed in various circumstances where there is no conveyance by persons with interests in the land)—  
 section 74 (failure by owner to convey),  
 section 76 (refusal to convey or show title or owner cannot be found), and  
 section 98 (vesting of common land),  
 shall be so modified as to secure that, as against persons with interests in the land over which the right is to be compulsorily acquired, such right is vested absolutely in the universal service provider.
- 25 Sections 114 (compensation to be made to tenants for a year etc.) and 115 (compensation where greater interest than tenant for a year) of that Act shall apply with the modifications necessary to secure that persons with such interests as are mentioned in those sections are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.
- 26 Sections 117 (protection of promoter of undertaking where by inadvertence an interest in land has not been purchased etc.) and 118 (provisions supplementary to section 117) of that Act shall be so modified as to enable the universal service provider, in circumstances corresponding to those referred to in those sections, to continue to be entitled to exercise the right acquired, subject to compliance with those sections as respects compensation.

*New rights: compensation*

- 27 The enactments in force in Scotland with respect to compensation for the compulsory purchase of land shall apply as respects compensation in the case of a universal service provider’s compulsory acquisition of a right by the creation of a new right as they apply to compensation on the compulsory purchase of land and interests in land.

**PART IV**

PROCEDURE, COMPENSATION ETC (NORTHERN IRELAND)

- 28 For the purposes of the acquisition of land by means of a vesting order under paragraph 3 of this Schedule, Schedule 6 to the <sup>M39</sup>Local Government Act (Northern Ireland) 1972 and Schedule 8 to the <sup>M40</sup>Health and Personal Social Services (Northern Ireland) Order 1972 are incorporated in this Act subject to the modifications in paragraph 29.

**Marginal Citations**

**M39** 1972 c. 9 (N.I.).

**M40** S.I. 1972/1265 (N.I. 14).

- 29 The modifications mentioned in paragraph 28 are—



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- (a) for any reference in Schedule 6 to a council there shall be substituted a reference to the universal service provider,
  - (b) for any reference in Schedule 6 or Schedule 8 to the Department there shall be substituted a reference to the Secretary of State,
  - (c) for any reference in Schedule 6 to the Act or in Schedule 8 to the Order there shall be substituted a reference to this Act,
  - (d) in paragraph 6(2) of Schedule 6, for the words from “the fund” onwards there shall be substituted the words “funds of the universal service provider (in this Schedule referred to as “the compensation fund”) and shall be discharged by payments made by the universal service provider”,
  - (e) in paragraph 12(2) of Schedule 6, for the words “the clerk of the council” there shall be substituted “such person as may be designated for the purposes of this Schedule by the universal service provider”.
- 30 The enactments for the time being in force relating to the assessment of compensation in respect of land vested in a district council by an order made under Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall, subject to any necessary modifications, apply in relation to any land vested in a universal service provider by a vesting order made under paragraph 3 of this Schedule.

## SCHEDULE 6

Section 95.

### FURTHER PROVISIONS RELATING TO LAND

#### *Power to place post-boxes etc in streets*

- 1 (1) A universal service provider may, for any purpose in connection with the provision of a universal postal service, execute in a street works of any of the kinds mentioned in sub-paragraph (2).
- (2) The kinds of works are—
- (a) placing a universal postal service letter box or a universal postal service pouch-box in a street,
  - (b) inspecting, maintaining, adjusting, repairing, altering or renewing such apparatus which has been so placed, changing its position or removing it,
  - (c) works needed for, or incidental to, the purposes of any works falling within paragraph (a) or (b) (including, in particular, breaking up or opening a street).
- (3) Accordingly, Part III of the <sup>M41</sup>New Roads and Street Works Act 1991 (street works in England and Wales), and the <sup>M42</sup>Street Works (Northern Ireland) Order 1995, apply in relation to undertakers’ works in exercise of a power conferred by this paragraph.
- (4) For the avoidance of doubt, references in Part III of the Act of 1991 or the Order of 1995 to apparatus shall be construed as including universal postal service letter boxes and universal postal service pouch-boxes.
- (5) Subject to sub-paragraphs (6) and (7), sub-paragraph (1) authorises the universal service provider concerned to execute works of any of the kinds mentioned in sub-paragraph (2) without obtaining any consent which would otherwise be required to be given by the street authority in its capacity as such and, in the case of a maintainable highway, in its capacity as owner.

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- (6) Sub-paragraph (5) is without prejudice to—
- (a) the provisions of Part III of the Act of 1991, or the provisions of the Order of 1995, as to the making of requirements by the street authority or as to the settlement of a plan and section and the execution of the works in accordance with them,
  - (b) section 61 of the Act of 1991 or Article 21 of the Order of 1995 (consent required for protected streets).
- (7) Sub-paragraph (1) does not free the universal service provider concerned from obtaining any other consent, licence or permission which may be required.
- (8) This paragraph binds the Crown.
- (9) In this paragraph references to doing anything in a street shall be construed as including references to doing anything under, over, across, along or upon the street.
- (10) In this paragraph—
- “maintainable highway”—
- (a) in England and Wales, has the same meaning as in Part III of the Act of 1991 and includes a street in respect of which a declaration has been made under section 87 of that Act (prospectively maintainable highways), and
  - (b) in Northern Ireland, means a road (within the meaning of the Order of 1995) and includes a street in respect of which a declaration has been made under Article 46 of that Order (prospective roads),
- “street” and “street authority”—
- (a) in England and Wales, have the same meaning as in Part III of the Act of 1991, and
  - (b) in Northern Ireland, have the same meaning as in the Order of 1995, and
- “universal postal service pouch-box” means any box or receptacle provided by a universal service provider for the temporary storage of postal packets in the course of transmission by post pending their collection for immediate delivery by a person who is in the course of delivering postal packets in connection with the provision of a universal postal service.
- (11) In the application of this paragraph to Scotland—
- (a) references to streets shall be construed as references to roads and references to street authority shall be construed as references to road works authority,
  - (b) “maintainable highway” means a public road within the meaning of Part IV of the Act of 1991 and includes a road in respect of which a declaration has been made under section 146 of that Act (prospective public roads),
  - (c) “road” and “road works authority” have the same meaning as in Part IV of the Act of 1991,
  - (d) in sub-paragraph (3) for the words from “Part III” to “apply” there shall be substituted “ Part IV of the <sup>M43</sup>New Roads and Street Works Act 1991 (road works in Scotland) applies ”,
  - (e) in sub-paragraph (4) for the words from “Part III” to “1995” there shall be substituted “ Part IV of the Act of 1991 ”,
  - (f) in sub-paragraph (6)(a) for the words from “Part III” to “1995,” there shall be substituted “ Part IV of the Act of 1991 ”, and

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- (g) in sub-paragraph (6)(b) for the words from “61” to “of 1995” there shall be substituted “ 120 of the Act of 1991 ”.

#### Marginal Citations

- M41** 1991 c. 22.  
**M42** S.I. 1995/3210 (N.I.19).  
**M43** 1991 c. 22.

#### *Entry on land for exploratory purposes*

- 2 (1) A person authorised in writing by a universal service provider may, at any reasonable time, enter upon and survey any land for the purpose of ascertaining whether the land would be suitable for use for any purpose in connection with the provision of a universal postal service.
- (2) The power to survey land conferred by this paragraph includes power to search and bore for the purpose of ascertaining the nature of the subsoil.
- (3) The powers conferred by this paragraph shall not be exercisable in relation to land which is covered by a building or will be so covered on the assumption that any planning permission which is in force is acted on.
- (4) In this paragraph “building” includes any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with a building.
- 3 (1) A person authorised to enter upon any land under paragraph 2 shall not demand to do so as of right unless—
- (a) 28 days notice of the intended entry has been given to the occupier, and
- (b) if required to do so, he has produced evidence of his authority and has stated the purpose of his entry.
- (2) No person may carry out works authorised by paragraph 2(2) unless notice of the proposed works was included in the notice given under sub-paragraph (1).
- (3) If the land in question is held by statutory undertakers and they object to the works on the ground that the carrying out of the works would be seriously detrimental to the carrying on of their undertaking, the authority of the appropriate Minister shall be required for the carrying out of works authorised by paragraph 2(2).
- (4) In sub-paragraph (3) as it relates to England and Wales—
- “appropriate Minister” means the person indicated by section 265 of the <sup>M44</sup>Town and Country Planning Act 1990,
- “statutory undertakers” means any persons who, by virtue of section 262 of the <sup>M45</sup>Town and Country Planning Act 1990, are or are treated as statutory undertakers for the purposes of that Act or any provision of that Act.
- (5) In that sub-paragraph as it relates to Scotland—
- “appropriate Minister” means—
- (a) in relation to any function which, by virtue of section 53 of the <sup>M46</sup>Scotland Act 1998, is exercisable by them as the appropriate Minister within the meaning of section 217 of the <sup>M47</sup>Town and Country Planning (Scotland) Act 1997, the Scottish Ministers,

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(b) in any other case, the Minister indicated by that section,

“statutory undertakers” means any persons who, by virtue of section 214 of the <sup>M48</sup>Town and Country Planning (Scotland) Act 1997, are or are treated as statutory undertakers for the purposes of that Act or any provision of that Act.

and this sub-paragraph has effect notwithstanding the repeal of section 217 of the <sup>M49</sup>Town and Country Planning (Scotland) Act 1997 by paragraph 127(3) of Schedule 2 to the <sup>M50</sup>Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999.

(6) In that sub-paragraph as it relates to Northern Ireland—

“appropriate Minister” means—

(a) in relation to a statutory undertaker carrying on any railway, road transport or dock or harbour undertaking or the airport operator (within the meaning of the <sup>M51</sup>Airports (Northern Ireland) Order 1994) of any airport to which Article 25 of that Order applies, the Minister for Regional Development,

(b) in relation to a statutory undertaker carrying on any water transport or inland navigation, the Minister of Culture, Arts and Leisure,

(c) in any other case, the Minister of Enterprise, Trade and Investment,

“statutory undertaker” has the same meaning as in Article 2(2) of the <sup>M52</sup>Planning (Northern Ireland) Order 1991.

#### Marginal Citations

**M44** 1990 c. 8.

**M45** 1990 c. 8.

**M46** 1998 c. 46.

**M47** 1997 c. 8.

**M48** 1997 c. 8.

**M49** 1997 c. 8.

**M50** S.I. 1999/1820.

**M51** S.I. 1994/426 (N.I. 1).

**M52** S.I. 1991/1220 (N.I. 11).

- 4 (1) Any person who intentionally obstructs a person acting in the exercise of any power conferred by paragraph 2 shall be guilty of an offence.
- (2) A person who commits an offence under sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 5 (1) If in the exercise of any power conferred by paragraph 2 any damage is caused to land or moveables, any person interested in the land or moveables may recover compensation in respect of that damage from the universal service provider on whose behalf the power is exercised; and if in consequence of the exercise of such a power a person is disturbed in his enjoyment of any land or moveables, he may recover compensation from the universal service provider in respect of that disturbance.
- (2) In relation to England and Wales, any question of disputed compensation under sub-paragraph (1) shall be referred to and determined by the [<sup>F182</sup>Upper Tribunal]; and [<sup>F183</sup>section] 4 of the <sup>M53</sup>Land Compensation Act 1961 shall apply in relation to the determination subject to any necessary modifications.

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- (3) In relation to Scotland, any question of disputed compensation under subparagraph (1) shall be referred to and determined by the Lands Tribunal for Scotland; and sections 9 and 11 of the <sup>M54</sup>Land Compensation (Scotland) Act 1963 shall apply in relation to the determination subject to any necessary modifications.
- (4) In relation to Northern Ireland, any question of disputed compensation under subparagraph (1) shall be referred to and determined by the Lands Tribunal for Northern Ireland; and the determination shall be deemed to be a determination to which section 31 of the <sup>M55</sup>Land Development Values (Compensation) Act (Northern Ireland) 1965 applies.
- (5) In this paragraph “moveables” means—
- (a) in relation to England and Wales and Northern Ireland, chattels, and
  - (b) in relation to Scotland, corporeal moveables.

#### Textual Amendments

**F182** Words in Sch. 6 para. 5(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 267(a)** (with Sch. 5)

**F183** Word in Sch. 6 para. 5(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 267(b)** (with Sch. 5)

#### Marginal Citations

**M53** 1961 c. 33.

**M54** 1963 c. 51.

**M55** 1965 c. 23 (N.I.).

#### *Acquisition of land by agreement*

- 6 For the purpose of the acquisition by agreement by a universal service provider for any purpose in connection with the provision of a universal postal service of land in England and Wales, the provisions of Part I of the <sup>M56</sup>Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8 and section 31, shall apply.

#### Marginal Citations

**M56** 1965 c. 56.

- 7 For the purpose of the acquisition by agreement by a universal service provider for any purpose in connection with the provision of a universal postal service of land in Scotland, section 188(2) of the <sup>M57</sup>Town and Country Planning (Scotland) Act 1997 (incorporation of Lands Clauses Acts) shall, with any necessary modifications, apply for the purposes of this Act as it applies for the purposes of that Act.

#### Marginal Citations

**M57** 1997 c. 8.

- 8 For the purpose of the acquisition by agreement by a universal service provider for any purpose in connection with the provision of a universal postal service of land in

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Northern Ireland, the Lands Clauses Acts shall be incorporated with this Act except for sections 127 to 133 (sale of superfluous land) and sections 150 and 151 (access to the special Act) of the <sup>M58</sup>Lands Clauses Consolidation Act 1845.

#### Marginal Citations

M58 1845 c. 18.

#### *Power to sell Duchy of Lancaster land*

- 9 If a universal service provider proposes to acquire by agreement any land belonging to Her Majesty in right of the Duchy of Lancaster for any purpose in connection with the provision of a universal postal service, the Chancellor and Council of the Duchy of Lancaster may sell that land to him.

#### *Supplementary*

- 10 Any land acquired by agreement by a universal service provider by virtue of any of paragraphs 6 to 9 shall be deemed for all purposes to have been acquired by him for the purposes of his undertaking as a universal service provider.

### F184 SCHEDULE 7

Section 119.

#### Textual Amendments

F184 Sch. 7 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\)](#), [Sch. 12 para. 55](#); [S.I. 2011/2329, art. 3](#)

### SCHEDULE 8

Section 127(4).

#### AMENDMENTS OF ENACTMENTS

#### PART I

##### GENERAL AMENDMENTS

- 1 (1) Any enactment which requires or authorises a document or other thing to be sent by post (whether or not it makes any other provision in that respect) shall not be construed as limited to requiring or (as the case may be) authorising that thing to be sent by the postal system of the Post Office company.
- (2) Any enactment which makes any other provision in relation to the sending of a document or other thing by post or to a thing so sent shall not be construed as limited to the sending of that thing by the postal system of the Post Office company or (as the case may be) to a thing sent by that system.

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#### Commencement Information

**I26** Sch. 8 para. 1 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

- 2 (1) Any enactment which requires or authorises a document or other thing to be sent by registered post (whether or not it makes any other provision in that respect) shall be construed as if it required or (as the case may be) authorised that thing to be sent by a registered post service.
- (2) Any enactment which makes any other provision in relation to the sending of a document or other thing by registered post or to a thing so sent shall be construed as if it made corresponding provision in relation to the sending of that thing by a registered post service or (as the case may be) to a thing sent by such a service.

#### Commencement Information

**I27** Sch. 8 para. 2 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

- 3 (1) Any enactment which requires or authorises a document or other thing to be sent by recorded delivery (whether or not it makes any other provision in that respect) shall be construed as if it required or (as the case may be) authorised that thing to be sent by a postal service which provides for the delivery of the document or other thing by post to be recorded.
- (2) Any enactment which makes any other provision in relation to the sending of a document or other thing by recorded delivery or to a thing so sent shall be construed as if it made corresponding provision in relation to the sending of that thing by a postal service which provides for the delivery of the document or other thing by post to be recorded or (as the case may be) to a thing sent by such a service.

#### Commencement Information

**I28** Sch. 8 para. 3 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

- 4 (1) Any enactment which requires or authorises a document or other thing to be sent by first class post (whether or not it makes any other provision in that respect) shall be construed as if it required or (as the case may be) authorised that thing to be sent by a postal service which seeks to deliver such documents or other things by post no later than the next working day in all or the majority of cases.
- (2) Any enactment which makes any other provision in relation to the sending of a document or other thing by first class post or to a thing so sent shall be construed as if it made corresponding provision in relation to the sending of that thing by a postal service which seeks to deliver such documents or other things by post no later than the next working day in all or the majority of cases or (as the case may be) to a thing sent by such a service.

#### Commencement Information

**I29** Sch. 8 para. 4 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

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- 5 (1) Any reference (however worded and including references which are to be construed as such references) in a related enactment to the post or to a thing sent by post shall not be construed as limited to the postal system of the Post Office company or (as the case may be) to a thing sent by that system.
- (2) In sub-paragraph (1) “related enactment” means—
- (a) any enactment the provisions of which apply to, or operate in consequence of the operation of, any enactment to which paragraph 1 applies, or
  - (b) any enactment relating to the sending of documents or other things otherwise than by post or to documents or other things so sent.
- (3) Any reference (however worded and including references which are to be construed as such references) in a related enactment to the registered post, the recorded delivery service or the first class post, or to a letter or other postal packet sent by that service or post, shall be construed as references (as the case may be) to a registered post service, a postal service which provides for the delivery of the document or other thing by post to be recorded or a postal service which seeks to deliver such documents or other things by post no later than the next working day in all or the majority of cases, or to a letter or other postal packet sent by such a service or post.
- (4) In sub-paragraph (3) “related enactment” means—
- (a) any enactment the provisions of which apply to, or operate in consequence of the operation of, any enactment to which paragraph 2, 3 or (as the case may be) 4 applies,
  - (b) any enactment relating to the sending of documents or other things otherwise than by registered post, recorded delivery or (as the case may be) first class post or to documents or other things so sent.
- (5) Any reference (however worded and including references which are to be construed as such references) in a related enactment to—
- (a) a Post Office receipt for a registered or recorded letter or other postal packet,
  - (b) an acknowledgement by the Post Office of delivery of such a letter or packet, or a certificate by the Post Office of such delivery,
- shall be construed as a reference to a receipt of, or an acknowledgement or certificate by, the postal operator concerned.
- (6) In sub-paragraph (5) “related enactment” means—
- (a) any enactment (other than a future enactment) the provisions of which apply to, or operate in consequence of the operation of, any enactment to which paragraph 2 or (as the case may be) 3 applies,
  - (b) any enactment (other than a future enactment) relating to the sending of documents or other things otherwise than by registered post or recorded delivery or to documents or other things so sent.
- (7) This paragraph is without prejudice to the generality of paragraphs 1 to 4.

#### **Commencement Information**

**I30** Sch. 8 para. 5 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

- 6 (1) The Secretary of State may by order provide for any provision of paragraphs 1 to 5 not to apply, or to apply with modifications, in such cases or descriptions of case as he considers appropriate.



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- (2) Paragraphs 1 to 5 do not apply in relation to future enactments if the context otherwise requires.
- (3) Paragraphs 1 to 5 are subject to any provision made by or under this Act.
- 7 (1) In this Part of this Schedule, “future enactment” means any enactment passed or made after the passing of this Act other than—
- (a) any enactment made before the commencement of this sub-paragraph and comprised in subordinate legislation made under an enactment passed or made before the passing of this Act, and
  - (b) any Act passed in the same session as this Act or any enactment comprised in subordinate legislation made under such an Act before the commencement of this sub-paragraph.
- (2) In this Part of this Schedule—
- (a) references to sending a document or other thing include references to serving, executing, giving or delivering it or doing any similar thing,
  - (b) references to sending any thing by registered post include references to sending it by or in a registered letter or other postal packet (whether the references are expressed in those terms or terms having a similar effect and whether there is any mention of the post or prepayment),
  - (c) references to sending any thing by recorded delivery include references to sending it by or in a recorded letter or other postal packet (whether the references are expressed in those terms or terms having a similar effect and whether there is any mention of the post or prepayment),
  - (d) references to any thing sent by registered post or the recorded delivery service shall be construed accordingly.

## PART II

### OTHER AMENDMENTS

#### *Public Records Act 1958 (c.51)*

- 8 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table which is at the end of paragraph 3, there shall be inserted at the appropriate places—
- “Consumer Council for Postal Services.”
- “Post Office company (within the meaning of Part IV of the Postal Services Act 2000).”

#### Commencement Information

- I31** Sch. 8 para. 8 wholly in force; Sch. 8 para. 8 not in force at Royal Assent see s. 130; Sch. 8 para. 8 in force for specified purposes at 6.11.2000 and in force insofar as not already in force at 1.1.2001 by [S.I. 2000/2957](#), [art. 2\(1\)\(2\)](#), [Sch. 1](#), [Sch. 2](#) (with transitional provisions in [arts. 3-8](#))

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*Parliamentary Commissioner Act 1967 (c.13)*

- 9 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), after the entry for the Office of Population Censuses and Surveys there shall be inserted—

“Consumer Council for Postal Services”.

- 10 In [<sup>F185</sup>Schedule 2 to the Parliamentary Commissioner Act 1967] the reference to the Postal Services Commission shall be construed as a reference to the Commission established by section 1 of this Act.

**Textual Amendments**

**F185** Words in Sch. 8 para. 10 substituted (1.10.2008) by [Consumers, Estate Agents and Redress Act 2007](#) (c. 17), s. 66(2), **Sch. 7 para. 17**; S.I. 2008/2550, art. 2, Sch.

*Post Office Act 1969 (c.48)*

<sup>F186</sup>11 .....

**Textual Amendments**

**F186** Sch. 8 para. 11 repealed (E.W.) (1.8.2007) by [Regulatory Reform \(Game\) Order 2007](#) (S.I. 2007/2007), art. 1(1), **Sch. para. 1(p)**

**Commencement Information**

**I32** Sch. 8 para. 11 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148](#), art. 2, **Sch.** (subject to [arts. 3-42](#))

*Pensions (Increase) Act 1971 (c.56)*

- 12 In paragraph 3 of Schedule 3 to the Pensions (Increase) Act 1971 (duty of Post Office to increase pensions of certain former civil servants)—

- (a) for “the Post Office”, where it first appears, there shall be substituted “ the Post Office company ”,
- (b) for “the Post Office are” there shall be substituted “ the Post Office company is ”,
- (c) after “by virtue of” there shall be inserted “ paragraph 2 of Schedule 3 to the Postal Services Act 2000 as it has effect by reference to ”,
- (d) for “that Act” there shall be substituted “ the Post Office Act 1969 or any enactment reproducing its effect ”, and
- (e) for “the Post Office”, where it appears for the last time, there shall be substituted “ the Post Office company ”.

**Commencement Information**

**I33** Sch. 8 para. 12 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148](#), art. 2, **Sch.** (subject to [arts. 3-42](#))

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*Superannuation Act 1972 (c.11)*

- 13 In Schedule 1 to the Superannuation Act 1972 (kinds of employment in relation to which pension schemes may be made), in the list of “Other Bodies”, there shall be inserted at the appropriate place—

“The Consumer Council for Postal Services.”

*House of Commons Disqualification Act 1975 (c.24)*

- 14 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership) shall be amended as follows.

- (2) In Part II (bodies of which all members are disqualified), there shall be inserted at the appropriate place—

“The Consumer Council for Postal Services.”

- (3) In Part III (other disqualifying offices), there shall be inserted at the appropriate place—

“Director of the Post Office company (within the meaning of Part IV of the Postal Services Act 2000) being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.”

**Commencement Information**

- I34** Sch. 8 para. 14 wholly in force; Sch. 8 para. 14 not in force at Royal Assent see s. 130; Sch. 8 para. 14(1) (3) in force at 6.11.2000 and Sch. 8 para. 14 in force insofar as not already in force at 1.1.2001 by [S.I. 2000/2957](#), [art. 2\(1\)\(2\)](#), [Sch. 1](#), [Sch. 2](#) (with transitional provisions in [arts. 3-8](#))

- 15 In Part II of Schedule 1 to the Act of 1975 the reference to the Postal Services Commission shall be construed as a reference to the Commission established by section 1 of this Act.

*Rates (Northern Ireland) Order 1977 (S.I.1977/2157 (N.I.28))*

<sup>F187</sup>16 .....

**Textual Amendments**

- F187** Sch. 8 para. 16 repealed (N.I.) (14.12.2009) by [Rates \(Amendment\) Act \(Northern Ireland\) 2009 \(c. 8\)](#), [s. 19\(1\)](#), [Sch. 2](#); [S.R. 2009/375](#), [art. 2\(2\)](#), [Sch. 2](#)

*Representation of the People Act 1983 (c.2)*

- 17 (1) Section 91 of the Representation of the People Act 1983 (candidate’s right to send election address post free) shall be amended as follows.

- (2) In subsection (1)—

- (a) for the words “Post Office regulations” there shall be substituted “ such reasonable terms and conditions as the universal service provider concerned may specify ”,  
(b) after the word “of”, where it first appears, there shall be inserted “ any ”,

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- (c) after the word “postage” there shall be inserted “ which would otherwise be made by a universal service provider ”, and
  - (d) for the words “regulations” in paragraph (a) there shall be substituted “ terms and conditions ”.
- (3) In subsection (2)—
- (a) after “any” there shall be inserted “ such ”, and
  - (b) after “postage” there shall be inserted “ as mentioned above ”.
- (4) In subsection (3) for “the Post Office” there shall be substituted “ the universal service provider concerned ”.
- (5) After subsection (4) there shall be inserted—
- “(5) In this section “universal service provider” has the same meaning as in the Postal Services Act 2000.”

**Commencement Information**

**I35** Sch. 8 para. 17 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

18 After section 200 of that Act there shall be inserted—

**“200A Remuneration for free postal services provided under Act.**

- (1) This section applies where any postal services are provided without charge by a universal service provider in pursuance of this Act.
- (2) The universal service provider shall be entitled to be remunerated for having provided the services at the rate fixed in relation to them by virtue of a scheme under section 89 of the Postal Services Act 2000.
- (3) A sum which a universal service provider is entitled to receive by virtue of this section shall be charged on, and issued out of, the Consolidated Fund.
- (4) In this section “postal services” and “universal service provider” have the same meanings as in the Postal Services Act 2000.”

**Commencement Information**

**I36** Sch. 8 para. 18 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

*Mental Health Act 1983 (c.20)*

- 19 (1) Section 134 of the Mental Health Act 1983 (correspondence of patients) shall be amended as follows.
- (2) In subsection (1) for “the Post Office” there shall be substituted “ the postal operator concerned ”.
- (3) In subsection (9)—
- (a) after “this Act” there shall be inserted “ and “postal operator” and ”,

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- (b) for “has”, where it appears for the second time, there shall be substituted “have ”, and
- (c) for “the Post Office Act 1953” there shall be substituted “ the Postal Services Act 2000 ”.

**Commencement Information**

**I37** Sch. 8 para. 19 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

*Insolvency Act 1986 (c.45)*

- 20 In section 371(1) of the Insolvency Act 1986 (re-direction of bankrupt’s letters etc.)
- (a) for “the Post Office” there shall be substituted “ a postal operator (within the meaning of the Postal Services Act 2000) ”,
  - (b) for “the Post Office Act 1953” there shall be substituted “ that Act ”, and
  - (c) for “them” there shall be substituted “ the operator concerned ”.

**Commencement Information**

**I38** Sch. 8 para. 20 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

*Local Government Finance Act 1988 (c.41)*

- 21 In section 43(6D)(a) of the Local Government Finance Act 1988 (rural rate relief for post offices etc) for the words from “the Post Office” to “1953)” there shall be substituted “ a universal service provider (within the meaning of the Postal Services Act 2000) and in connection with the provision of a universal postal service (within the meaning of that Act) ”.

**Commencement Information**

**I39** Sch. 8 para. 21 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

*Value Added Tax Act 1994 (c.23)*

- 22 (1) The Value Added Tax Act 1994 shall be amended as follows.
- (2) In section 16(2) (application of customs enactments) for “section 16 of the Post Office Act 1953” there shall be substituted “ section 105 of the Postal Services Act 2000 ”.

<sup>F188</sup>(3) .....

<sup>F188</sup>(4) .....

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#### Textual Amendments

**F188** Sch. 8 para. 22(3)(4) omitted (with effect in accordance with s. 22(4) of the amending Act) by virtue of Finance (No. 3) Act 2010 (c. 33), s. 22(3)(b)

#### Commencement Information

**I40** Sch. 8 para. 22 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/1148, art. 2, Sch. (subject to arts. 3-42)

#### *Value Added Tax Regulations 1995 (S.I.1995/2518)*

- 23 In regulation 2 of the Value Added Tax Regulations 1995 (interpretation) in the definition of “datapost packet”—
- (a) for the words “the Post Office” there shall be substituted “ the Post Office company ”,
  - (b) after “a post office” there shall be inserted “ of the Post Office company ”, and
  - (c) after “United Kingdom”, where it appears for the fifth time, there shall be inserted “ by that company ”.

#### Commencement Information

**I41** Sch. 8 para. 23 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/1148, art. 2, Sch. (subject to arts. 3-42)

#### *Criminal Procedure (Scotland) Act 1995 (c.46)*

- 24 In section 11 of the Criminal Procedure (Scotland) Act 1995 (jurisdiction over certain offences committed outside Scotland), after subsection (4) there shall be inserted—
- “(5) Where a person in any part of the United Kingdom outside Scotland—
- (a) steals or attempts to steal any mail-bag or postal packet in the course of its transmission by post, or any of the contents of such a mail-bag or postal packet; or
  - (b) in stealing or with intent to steal any such mail-bag or postal packet or any of its contents commits any robbery, attempted robbery or assault with intent to rob,
- he is guilty of the offence mentioned in paragraph (a) or (b) as if he had committed it in Scotland and shall be liable to be prosecuted, tried and punished there without proof that the offence was committed there.
- (6) Any expression used in subsection (5) and in the Postal Services Act 2000 has the same meaning in that subsection as it has in that Act.”

#### Commencement Information

**I42** Sch. 8 para. 24 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/1148, art. 2, Sch. (subject to arts. 3-42)

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*Local Government and Rating Act 1997 (c.29)*

- 25 In Schedule 2 to the Local Government and Rating Act 1997, in paragraph 3(4)(a) (relief from non-domestic rates for rural post offices) for the words from “the Post Office” to “1953)” there shall be substituted “ a universal service provider (within the meaning of the Postal Services Act 2000) and in connection with the provision of a universal postal service (within the meaning of that Act) ”.

**Commencement Information**

- I43** Sch. 8 para. 25 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

*Northern Ireland Act 1998 (c.47)*

- 26 For paragraph 7 of Schedule 3 to the Northern Ireland Act 1998 (reservation for the Post Office etc.) there shall be substituted—
- “7 The subject-matter of the Postal Services Act 2000.
- This paragraph does not include financial assistance for the provision of services (other than postal services and services relating to postal or money orders) to be provided from public post offices.
- In this paragraph “postal services” and “public post offices” have the same meanings as in the Postal Services Act 2000.”

**Commencement Information**

- I44** Sch. 8 para. 26 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

*Postal Services Regulations 1999 (S.I. 1999/2107)*

- 27 In Regulation 2(1) of the Postal Services Regulations 1999 (designation of Secretary of State and Postal Services Commission as national regulatory authorities for the postal sector in the United Kingdom) the reference to the Postal Services Commission shall be construed as a reference to the Commission established by section 1 of this Act.

SCHEDULE 9

Section 127(6).

REPEALS AND REVOCATIONS

**Commencement Information**

- I45** Sch. 9 not in force at Royal Assent see s. 130; Sch. 9 in force for specified purposes at 6.11.2000, for further specified purposes at 1.1.2001 and 26.3.2001 by [S.I. 2000/2957](#), [art. 2\(1\)-\(3\)](#), [Schs. 1, 2, 3](#); (with transitional provisions in [arts. 3-8](#)); Sch. 9 in force for further specified purposes at 26.3.2001 by [S.I. 2001/878](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-17](#)) and for further specified purposes at 26.3.2001 by [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

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<b>Reference</b>	<b>Short title or title</b>	<b>Extent of repeal or revocation</b>
10 & 11 Geo.5 c. 75.	Official Secrets Act 1920.	Section 5.
1 & 2 Eliz.2 c. 36.	Post Office Act 1953.	The whole Act.
1967 c. 13.	Parliamentary Commissioner Act 1967.	In Schedule 2, the entries relating to the Post Office Users' Council for Northern Ireland, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' National Council.
1967 c. 80.	Criminal Justice Act 1967.	In Schedule 3, in Part I, the entries in respect of the Post Office Act 1953.
1969 c. 48.	Post Office Act 1969.	Sections 6 to 8. Sections 10 to 12. Sections 14 and 15. Sections 28 to 30. Section 33. Sections 37 to 41. Sections 43 and 44. Sections 46 to 48. Sections 55 to 64. Sections 66 and 67. Sections 69 to 75. Sections 80 and 81. Section 84. Section 87. Section 119. Section 129. In section 135, subsection (1) (b) and the word "or" immediately preceding it and subsections (2) and (3). Schedules 1 to 3. In Schedule 4, paragraph 21.



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		In Schedule 9, paragraph 3(2).
1970 c. 44.	Chronically Sick and Disabled Persons Act 1970.	In section 14, in subsection (1), the words “, the Post Office Users’ Councils” and subsection (2).
1972 c. 70.	Local Government Act 1972.	In Schedule 29, paragraph 36.
S.I. 1973/2163.	Northern Ireland (Modifications of Enactments – No.1) Order 1973.	In Schedule 5, paragraph 20(a).
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Post Office and, in Part III, the entry relating to the Chairman of the Post Office Users’ National Council.
1976 c. 10.	Post Office (Banking Services) Act 1976.	The whole Act.
1981 c. 38.	British Telecommunications Act 1981.	Section 58(1) to (3). Sections 59 to 61. Sections 63 to 69. Sections 71 to 76. In Schedule 3, paragraph 51(1) and (3).
1981 c. 45.	Forgery and Counterfeiting Act 1981.	Section 29.
1983 c. 20.	Mental Health Act 1983.	In section 134(9), the words from “and the provisions” to the end.
1983 c. 29.	Miscellaneous Financial Provisions Act 1983.	In Schedule 2, the entry relating to the Post Office Act 1969.
1984 c. 12.	Telecommunications Act 1984.	Section 99(1). In Schedule 4, paragraphs 50 and 78.
1985 c. 56.	Interception of Communications Act 1985.	Section 11(2).
1985 c. 67.	Transport Act 1985.	In Schedule 3, paragraph 22. In Schedule 7, paragraph 13.
1986 c. 44.	Gas Act 1986.	In Schedule 7, paragraph 10.

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1987 c. 22.	Banking Act 1987.	In Schedule 6, paragraph 10.
1989 c. 15.	Water Act 1989.	In Schedule 25, paragraph 39.
1989 c. 29.	Electricity Act 1989.	In Schedule 16, paragraph 15.
1989 c. 40.	Companies Act 1989.	In Schedule 10, paragraph 30.
S.I. 1992/231 (N.I.1).	Electricity (Northern Ireland) Order 1992.	In Schedule 12, paragraph 7.
S.I. 1993/1324.	Post Office (Abolition of Import Restrictions) Regulations 1993.	The whole Regulations.
1994 c. 29.	Police and Magistrates' Courts Act 1994.	In Schedule 4, paragraph 49.
1995 c. 21.	Merchant Shipping Act 1995.	In Schedule 13, paragraph 28.
1995 c. 45.	Gas Act 1995.	In Schedule 4, paragraph 9.
1996 c. 16.	Police Act 1996.	In Schedule 7, paragraph 1(2) (f).
S.I. 1996/275 (N.I.2).	Gas (Northern Ireland) Order 1996.	In Schedule 6, the entry relating to the Post Office Act 1969.
S.I. 1999/1042.	Scotland Act 1998 (Consequential Modifications) (No.1) Order 1999.	In Schedule 1, paragraph 6.
S.I. 1999/2107.	Postal Services Regulations 1999.	In Regulation 1(3), the definitions of "the 1969 Act" and "the 1981 Act". Regulation 2(2) and (3). Regulation 3(1) to (3). Regulations 4 to 6.

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Note: The repeal of section 52 of the Post Office Act 1953 (which extends only to Scotland) does not affect any liability at common law in respect of any offence described in that section.

**Status:**

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