



Postal Services Act 2000

2000 CHAPTER 26

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

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—
 - (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,

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- (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 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 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).

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,
 - (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 9, 10, 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 8, 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 10, 38(8), 58(7), 59(2), 70, 74, 102, 104(4) and 128 and paragraph 1(5) of Schedule 3 (including that paragraph as applied by section 118(3)), paragraph 4 of Schedule 7 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 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 8, 9, 30(2), 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.

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.

124 General financial provision

- (1) There shall be paid out of money provided by Parliament—
 - (a) any expenditure incurred by the Commission in consequence of this Act,
 - (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.

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- (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).

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,
- “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 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 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 Northern Ireland Act 1998,
- “Northern Ireland Minister” includes the First Minister and the deputy First Minister in Northern Ireland,
- “notice” means notice in writing,
- “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,

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“postal operator” means a person who provides the service of conveying postal packets from one place to another by post or any of the incidental services of receiving, collecting, sorting and delivering such packets,

“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, 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 implementation of quality of service,

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

“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 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 Northern Ireland Act 1998),

“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 a telecommunication system (within the meaning of the Telecommunications Act 1984), or
- (b) by other means but while in electronic form.

(3) For the purposes of this Act—

- (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

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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 section 736 of the Companies Act 1985 or Article 4 of the Companies (Northern Ireland) Order 1986.

126 Index of defined expressions

In this Act, the expressions listed in the left-hand column have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right-hand column.

<i>Expression</i>	<i>Provision of this Act</i>
Body	Section 125(1)
The Commission	Section 1(1)
Condition of a licence	Section 13(5)
Contravention	Section 125(1)
Correspondent	Section 125(1)
Course of transmission by post	Section 125(3)
The Council	Section 2(1)
Delivery to addressee	Section 125(3)
Delivery (in certain other circumstances)	Section 125(3)
Employee	Section 125(1)
Enactment	Section 125(1)
Final order	Section 22(5)
Financial year	Section 125(1)
Foreign postal administration	Section 125(1)
Hovercraft	Section 125(1)
Letter	Section 125(1) and (2)
Mail-bag	Section 125(1)
Modify	Section 125(1)
Northern Ireland junior Minister	Section 125(1)

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<i>Expression</i>	<i>Provision of this Act</i>
Northern Ireland Minister	Section 125(1)
Notice	Section 125(1)
Post office	Section 125(1)
Post office letter box	Section 125(1)
Postal operator	Section 125(1)
Postal packet	Section 125(1)
Postal services	Section 125(1)
The Postal Services Directive	Section 125(1)
Provision of a universal postal service	Section 4(1), (2) and (6)
Provisional order	Section 23(8)
Public holiday	Section 125(1)
Public post office	Section 42(3)
Regional committee	Section 54(5)
Registered post service	Section 125(1)
Sender	Section 125(1)
Ship	Section 125(1)
Subordinate legislation	Section 125(1)
Subsidiary	Section 125(4)
Universal postal service letter box	Section 86(4)
Universal postal service post office	Section 86(4)
Universal service provider	Section 4(3) and (4)
Users	Section 125(1)
Vehicle	Section 125(1)
Wholly owned subsidiary	Section 125(4)
Working day	Section 125(1)

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.

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- (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.

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.
- (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.