



# Postal Services Act 2000

## 2000 CHAPTER 26

### 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 such directions as he considers appropriate to the Commission in relation to the exercise of its functions 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 the Commission—
  - (a) to do or not to do a particular thing, or
  - (b) to secure that a particular thing is done or not done.
- (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 such directions as he considers appropriate to licence holders under Part II, or to any particular licence holder under

---

*Status: This is the original version (as it was originally enacted).*

---

that Part, in connection with anything authorised or required by the licence or licences concerned.

- (4) Directions under subsection (3) may, in particular, require a licence holder—
  - (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 the Commission.
- (6) Before giving a direction under subsection (3) to a particular licence holder (as opposed to licence holders generally or any description of licence holders), the Secretary of State shall consult the licence holder concerned.
- (7) The Secretary of State—
  - (a) shall send to the Commission 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.

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

- (1) This section applies if the Secretary of State—
  - (a) considers—
    - (i) that a Community 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 the Commission 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.

### **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—

---

*Status: This is the original version (as it was originally enacted).*

---

- (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.