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## SCHEDULES

### SCHEDULE 1

Section 1(3).

#### THE POSTAL SERVICES COMMISSION

##### *Membership*

- 1 (1) The Commission shall consist of the following members—
  - (a) a chairman appointed by the Secretary of State,
  - (b) no fewer than three other persons appointed by the Secretary of State after consulting the chairman, and
  - (c) the chief executive of the Commission.
- (2) The members of the Commission shall be known as the Postal Service Commissioners.
- (3) In this Schedule references to the appointed members of the Commission shall be construed as references to the chairman and to the members appointed under subparagraph (1)(b).

##### *Terms of appointment of members*

- 2 (1) Subject to this Schedule, the appointed members of the Commission shall hold and vacate office in accordance with the terms of their respective appointments.
- (2) The terms of their appointments shall be determined by the Secretary of State.
- 3 (1) An appointment of a person to hold office as chairman or as a member appointed under paragraph 1(1)(b) shall be for a term not exceeding five years.
- (2) A person holding such an office may resign his office by giving notice to the Secretary of State.
- (3) The Secretary of State may remove a person from any such office on the ground of incapacity or misbehaviour.
- (4) Where a person ceases to hold office as chairman or chief executive, he shall cease to be a member of the Commission.
- (5) No person shall be prevented from being a member of the Commission (whether as chairman or otherwise) merely because he has previously been a member of the Commission (whether as chairman or otherwise).

##### *Pay and remuneration of members*

- 4 (1) The Commission shall, if required to do so by the Secretary of State, pay its appointed members such remuneration, and such travelling and other allowances, as the Secretary of State may determine.

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- (2) The Commission shall, if required to do so by the Secretary of State—
- (a) pay to or in respect of any person who is or has been an appointed member of the Commission such pension, allowances or gratuities as the Secretary of State may determine, or
  - (b) make such payments as the Secretary of State may determine towards provision for the payment of a pension, allowance or gratuity to or in respect of such a person.
- (3) Where—
- (a) a person ceases to hold office as chairman or a member appointed under paragraph 1(1)(b), and
  - (b) the Secretary of State determines that there are special circumstances which make it right for that person to receive compensation,
- the Commission shall make a payment to the person by way of compensation of such amount as the Secretary of State may determine.

#### *Staff*

- 5 (1) The Commission shall, after consulting the Secretary of State, appoint a person as chief executive.
- (2) The appointment shall be on such terms and conditions of service as the Minister for the Civil Service may approve.
- (3) The Commission may, with the approval of the Minister for the Civil Service as to numbers and terms and conditions of service, appoint such other staff as it considers appropriate.

#### *Committees*

- 6 (1) The Commission may establish committees and any committee of the Commission may establish sub-committees.
- (2) The members of a committee of the Commission may include persons who are not members of the Commission (and the members of a sub-committee may include persons who are not members of the committee).

#### *Proceedings etc.*

- 7 (1) The Commission may regulate its own procedure (including quorum).
- (2) The validity of anything done by the Commission shall not be affected by a vacancy among its members or by a defect in the appointment of a member.
- 8 (1) The application of the common seal of the Commission shall be authenticated by the signature of the chief executive, another member of the Commission or some other person who has been authorised for that purpose (whether generally or specifically) by the Commission.
- (2) Sub-paragraph (1) does not apply in relation to any document which is or is to be signed in accordance with the law of Scotland.

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- 9 A document purporting to be duly executed under the seal of the Commission, or signed on its behalf, shall be received in evidence and, unless the contrary is proved, be taken to be so executed or signed.

#### *Delegation*

- 10 (1) Anything authorised or required to be done by the Commission may be done by—
- (a) any member, or member of staff, of the Commission who is authorised by the Commission for that purpose (whether generally or specifically), or
  - (b) any committee of the Commission which has been so authorised.
- (2) In sub-paragraph (1)(b) “committee of the Commission” does not include a committee whose members include any person who is not a member, or a member of staff, of the Commission.

#### *Supplementary powers*

- 11 (1) The Commission has power to do anything (except borrow money) which is calculated to facilitate, or is incidental or conducive to, the performance of any of its functions.
- (2) That power includes, in particular, the formation of advisory bodies.

## SCHEDULE 2

Section 2(3).

### THE CONSUMER COUNCIL FOR POSTAL SERVICES

#### *Membership*

- 1 (1) The Council shall consist of the following members—
- (a) a chairman appointed by the Secretary of State,
  - (b) the chairmen of the regional committees established under section 54(4)(a) and the chairman of any committee for England established under section 54(4)(c), and
  - (c) such number of other persons appointed by the Secretary of State as he may from time to time determine.
- (2) The Secretary of State shall consult the chairman of the Council before making an appointment or a determination under sub-paragraph (1)(c).
- (3) In appointing persons under this paragraph or paragraph 2(1)(a), the Secretary of State shall have regard to the desirability of including among the members of the Council one or more persons who—
- (a) have experience of work among, and the special needs of, disabled people, or
  - (b) have or have had a disability.

#### *Committees*

- 2 (1) A regional committee established under section 54(4)(a) and any committee for England established under section 54(4)(c) shall consist of the following members—

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- (a) a chairman appointed by the Secretary of State after consulting the chairman of the Council, and
  - (b) other persons appointed by the Council.
- (2) A regional committee established under section 54(4)(b) and a regional committee (other than a committee for England) established under section 54(4)(c) shall consist of the following members—
- (a) a chairman appointed by the Council after consulting the Secretary of State, and
  - (b) other persons appointed by the Council.
- (3) The number of persons appointed under sub-paragraph (1)(b) or (2)(b) shall not be greater than the number for the time being determined by the Council, with the approval of the Secretary of State, in relation to that committee.
- 3 (1) The Council shall not—
- (a) establish any committee under section 54(4)(b) or (c) (other than a committee for England),
  - (b) abolish any such committee, or
  - (c) vary the area for which such a committee is established,
- except with the approval of the Secretary of State and, subject to sub-paragraph (5), after complying with the requirements of sub-paragraphs (2) to (4).
- (2) If the Council proposes to do anything mentioned in sub-paragraph (1), the Council shall—
- (a) after consulting the Secretary of State, publish a notice in such manner as the Council considers appropriate for bringing it to the attention of persons likely to be affected by the proposal, and
  - (b) consider any representations made in accordance with the notice (and not withdrawn).
- (3) The notice shall—
- (a) describe the proposal, and
  - (b) state the period (not less than two months starting with the date of publication of the notice) within which representations may be made in relation to the proposal.
- (4) The Secretary of State shall not give his approval under sub-paragraph (1) until after the expiry of the period stated in the notice.
- (5) The requirements of sub-paragraphs (2) to (4) do not apply to the establishment of any committee within the period of two months beginning with the day on which section 54(4) comes into force.
- 4 (1) The Council may establish other committees.
- (2) Any committee of the Council may establish sub-committees.
- (3) The members of a committee of the Council may include persons who are not members of the Council (and the members of a sub-committee may include persons who are not members of the committee).

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### *Terms of appointment of members*

- 5 Subject to this Schedule, the chairman of the Council, chairmen of regional committees established under section 54(4)(a), the chairman of any committee for England established under section 54(4)(c) and other members of the Council shall hold and vacate office in accordance with the terms of their respective appointments.
- 6 (1) A person holding office as chairman of the Council, chairman of a regional committee established under section 54(4)(a), chairman of any committee for England established under section 54(4)(c) or other member of the Council may resign his office by giving notice to the Secretary of State.
- (2) The Secretary of State may remove a person from any such office on the ground of incapacity or misbehaviour.
- (3) Where a person ceases to hold office as chairman of the Council or of a regional committee established under section 54(4)(a) or of any committee for England established under section 54(4)(c), he shall cease to be a member of the Council.
- (4) No person shall be prevented from being a member of the Council (whether as chairman or otherwise) merely because he has previously been a member of the Council (whether as chairman or otherwise).

### *Pay and remuneration of members*

- 7 (1) The Council shall pay the chairman and other members of the Council such remuneration, and such travelling and other allowances, as the Secretary of State may determine.
- (2) The Council may—
- (a) with the approval of the Secretary of State, pay any member of a committee or sub-committee who is not a member of the Council such remuneration, and
  - (b) pay any member of a committee or sub-committee such travelling and other allowances,
- as the Council may determine.
- (3) The Council may, with the approval of the Secretary of State—
- (a) pay to or in respect of any person who is or has been a chairman or other member of the Council or of a committee or sub-committee such pension, allowances or gratuities as the Council may, with the approval of the Secretary of State, determine, or
  - (b) make such payments as the Council may, with the approval of the Secretary of State, determine towards provision for the payment of a pension, allowance or gratuity to or in respect of such a person.
- (4) Where—
- (a) a person ceases to hold office as chairman or other member of the Council or of a committee or sub-committee, and
  - (b) the Council, with the approval of the Secretary of State, determines that there are special circumstances which make it right for that person to receive compensation,

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the Council may make a payment to the person by way of compensation of such amount as it may, with the approval of the Secretary of State, determine.

#### *Staff*

- 8 (1) The Council shall, after consulting the Secretary of State, appoint a person as principal officer.
- (2) The appointment shall be on such terms and conditions of service as the Secretary of State may approve.
- (3) The Council may, with the approval of the Secretary of State as to numbers and terms and conditions of service, appoint such other staff as it considers appropriate.
- 9 (1) The persons to whom section 1 of the <sup>M1</sup>Superannuation Act 1972 applies (persons to or in respect of whom benefits may be provided by schemes under that section) shall include the staff of the Council.
- (2) The Council shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under the <sup>M2</sup>Superannuation Act 1972.

#### **Marginal Citations**

- M1** 1972 c. 11.  
**M2** 1972 c. 11.

#### *Proceedings etc.*

- 10 (1) The Council may regulate its own procedure (including quorum).
- (2) The validity of anything done by the Council shall not be affected by a vacancy among its members or by a defect in the appointment of a member.
- 11 (1) The application of the common seal of the Council shall be authenticated by the signature of the principal officer, the chairman or a member of the Council, or some other person who has been authorised for that purpose (whether generally or specifically) by the Council.
- (2) Sub-paragraph (1) does not apply in relation to any document which is or is to be signed in accordance with the law of Scotland.
- 12 A document purporting to be duly executed under the seal of the Council, or signed on its behalf, shall be received in evidence and, unless the contrary is proved, be taken to be so executed or signed.

#### *Delegation*

- 13 Anything authorised or required to be done by the Council may be done by—
- (a) any member, or member of staff, of the Council who is authorised by the Council for that purpose (whether generally or specifically), or
- (b) any committee of the Council which has been so authorised.

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*Supplementary powers*

- 14 The Council has power to do anything (except borrow money) which is calculated to facilitate, or is incidental or conducive to, the performance of any of its functions.

*Accounts and expenses*

- 15 The Council shall comply with any notice given to it by the Secretary of State with the approval of the Treasury requiring it to perform duties of a financial nature specified in the notice.
- 16 (1) The Council shall prepare, in respect of each financial year, a statement of accounts giving a true and fair view of the state of affairs and the income and expenditure of the Council.
- (2) The statement of accounts shall comply with any requirement notified to the Council by the Secretary of State with the approval of the Treasury.
- (3) The Council shall send a copy of each statement of accounts prepared under this paragraph to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year to which it relates as the Secretary of State may specify by notice given to the Council.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on each statement of accounts received by him under sub-paragraph (3), and
- (b) lay a copy of each such statement of accounts, and of his report on it, before each House of Parliament.
- 17 The Secretary of State may pay such amounts in respect of the expenses of the Council as he may determine.

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 Post Office 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 the Post Office 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.

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- (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 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 the Post Office 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 the Post Office company may appoint or, in default of appointment, to a person with corresponding functions serving the Post Office 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.

#### *Pensions*

- 2 (1) The Post Office 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>M3</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.

#### **Marginal Citations**

**M3** 1969 c. 48.

- 3 Section 6(2) of the <sup>M4</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>M5</sup>Telecommunications Act 1984) included references to the Post Office company.

#### **Marginal Citations**

**M4** 1949 c. 39.

**M5** 1984 c. 12.

- 4 (1) Trustees appointed by the Post Office company shall hold moneys held immediately before the appointed day by virtue of section 47(10) of the <sup>M6</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 the Post Office company may declare.
- (2) For the purposes of sub-paragraph (1)—



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- (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 the Post Office 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 the Post Office 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 the Post Office company or any company associated with the Post Office company as may be specified in the trusts, and
  - (b) the reimbursement of the Post Office company for sums paid under paragraph 2,
- and include the objects of the first relevant trusts.

#### Marginal Citations

M6 1969 c. 48.

#### *Welfare funds*

- 5 (1) This paragraph applies to—
- (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 the Post Office 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

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from it if being engaged in the business of the Post Office 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 the Post Office 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 the Post Office 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.

*Third party rights relating to land*

- 6 (1) No relevant land right shall operate or become exercisable as a result of the transfer effected by virtue of section 62.
- (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) the Post Office 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 the Post Office 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),

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- (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 Lord Chancellor (if the proceedings are to be held in Northern Ireland).

*Other third party property rights*

- 7 (1) This paragraph applies where—
- (a) any rights or liabilities of a third party which were enforceable against or by the Post Office have by virtue of this Part of this Act become enforceable against or by the Post Office company, and
  - (b) the value of any property or interest of the third party is diminished as a result.
- (2) Such compensation as is just shall be paid by the Post Office company.
- (3) 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 Lord Chancellor (if the proceedings are to be held in Northern Ireland).
- (4) In this paragraph “third party” means any person other than the Post Office and the Post Office company.

*Requisitions on title as to Treasury consent*

- 8 A person dealing with the Post Office 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.

*Vesting of foreign property etc.*

- 9 (1) The Post Office and the Post Office company shall take, as and when during the transitional period the Post Office company considers appropriate, all such steps as may be necessary to secure that the vesting in the Post Office company by virtue of section 62 or this paragraph of any foreign property, right or liability is effective under the relevant foreign law.
- (2) Until the vesting in the Post Office company by virtue of section 62 or this paragraph of any foreign property, right or liability is effective under the relevant foreign law, the Post Office shall during the transitional period—
- (a) hold that property or right for the benefit of the Post Office company, or
  - (b) discharge that liability on behalf of the Post Office company.
- (3) Nothing in sub-paragraphs (1) and (2) shall be taken as prejudicing the effect under the law of the United Kingdom, or of any part of the United Kingdom, of the vesting in the Post Office company by virtue of section 62 or this paragraph of any foreign property, right or liability.

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- (4) The Post Office shall, subject to sub-paragraphs (5) and (6), have all such powers as may be necessary for the performance of its duties under this paragraph.
- (5) The Post Office company shall during the transitional period act on behalf of the Post Office (so far as possible) in performing the duties imposed on the Post Office by this paragraph.
- (6) Any foreign property, rights and liabilities acquired or incurred by the Post Office during the transitional period shall immediately become property, rights and liabilities of the Post Office company.
- (7) References in this paragraph to any foreign property, right or liability are references to any property, right or liability as respects which any issue arising in any proceedings would have been determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.
- (8) Any expenses incurred by the Post Office under this paragraph shall be met by the Post Office company.

#### *Interpretation*

- 10      The period of the continued existence of the Post Office after the appointed day is referred to in this Schedule as “the transitional period”.

### 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.

##### *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

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consideration of a loan made to the company of an amount equal to the principal sum payable under the debt.

#### *Transfer arrangements*

- 5 The existence or exercise of the powers of the Secretary of State under section 62 shall not be regarded as constituting or creating arrangements within the meaning of section 410 of the <sup>M7</sup>Income and Corporation Taxes Act 1988 (arrangements for the transfer of a company to another group or consortium).

#### **Marginal Citations**

**M7** 1988 c. 1.

#### *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>M8</sup>Taxation of Chargeable Gains Act 1992 (tax-free benefits).

#### **Marginal Citations**

**M8** 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>M9</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**

**M9** 1969 c. 48.

#### *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*

- 9 No transfer effected by virtue of section 62 shall give rise to any liability to stamp duty.

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*Status: Point in time view as at 05/07/2004.*

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## 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 required for any purpose in connection with the provision of 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.

*Scotland*

- 2 (1) The Secretary of State may authorise a universal service provider to purchase compulsorily any land in Scotland required for any purpose in connection with the provision of 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.
- (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.

*Northern Ireland*

- 3 (1) Where a universal service provider proposes to acquire, otherwise than by agreement, any land in Northern Ireland—
- (a) which is required by the universal service provider for any purpose in connection with the provision of a universal postal service, or
  - (b) as to which it can reasonably be foreseen that it will be so required,
- 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,

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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>M10</sup> Interpretation Act (Northern Ireland) 1954, and

“public body” means a body established by or under any enactment.

**Marginal Citations**

**M10** 1954 c. 33 (N.I.).

**PART II**

PROCEDURE, COMPENSATION ETC (ENGLAND AND WALES)

*Application of Acquisition of Land Act 1981*

- 4 (1) The <sup>M11</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**

**M11** 1981 c. 67.

*New rights: Compulsory Purchase Act 1965*

- 5 The <sup>M12</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**

**M12** 1965 c. 56.

*Status: Point in time view as at 05/07/2004.*

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*New rights: specific adaptations of 1965 Act*

- 6 Without prejudice to the generality of paragraph 5, Part I of the <sup>M13</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**

**M13** 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 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 Lands 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 Lands Tribunal make 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,



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the Lands 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.”

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  
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 sheriff’s warrant in the event of obstruction) shall be modified correspondingly.

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.

*Status: Point in time view as at 05/07/2004.*

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### PART III

#### PROCEDURE, COMPENSATION ETC (SCOTLAND)

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

- 14 The <sup>M14</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.

#### Marginal Citations

**M14** 1947 c. 42.

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

- 15 The <sup>M15</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

**M15** 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>M16</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

**M16** 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.

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- 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—
    - “(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>M17</sup>Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999), however expressed, shall be construed as references to the Secretary of State.

**Marginal Citations**

**M17** 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.”

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- 20 Paragraph 3(1) of the Second Schedule to the <sup>M18</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).

**Marginal Citations**

**M18** 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>M19</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**

**M19** 1845 c. 19.

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

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“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 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>M20</sup>Local Government Act (Northern Ireland) 1972 and Schedule 8 to the <sup>M21</sup>Health and Personal Social Services (Northern Ireland) Order 1972 are incorporated in this Act subject to the modifications in paragraph 29.

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**Marginal Citations**

**M20** 1972 c. 9 (N.I.).

**M21** S.I. 1972/1265 (N.I. 14).

- 29 The modifications mentioned in paragraph 28 are—
- (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>M22</sup>New Roads and Street Works Act 1991 (street works in England and Wales), and the <sup>M23</sup>Street Works (Northern Ireland) Order 1995, apply in relation to undertakers’ works in exercise of a power conferred by this paragraph.

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- (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.
- (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),

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- (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>M24</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
- (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**

**M22** 1991 c. 22.

**M23** S.I. 1995/3210 (N.I.19).

**M24** 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>M25</sup>Town and Country Planning Act 1990,



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“statutory undertakers” means any persons who, by virtue of section 262 of the <sup>M26</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>M27</sup>Scotland Act 1998, is exercisable by them as the appropriate Minister within the meaning of section 217 of the <sup>M28</sup>Town and Country Planning (Scotland) Act 1997, the Scottish Ministers,
- (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>M29</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>M30</sup>Town and Country Planning (Scotland) Act 1997 by paragraph 127(3) of Schedule 2 to the <sup>M31</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>M32</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>M33</sup>Planning (Northern Ireland) Order 1991.

#### Marginal Citations

- M25** 1990 c. 8.
- M26** 1990 c. 8.
- M27** 1998 c. 46.
- M28** 1997 c. 8.
- M29** 1997 c. 8.
- M30** 1997 c. 8.
- M31** S.I. 1999/1820.
- M32** S.I. 1994/426 (N.I. 1).
- M33** 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.

*Status: Point in time view as at 05/07/2004.*

*Changes to legislation: Postal Services Act 2000 is up to date with all changes known to be in force on or before 13 June 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)*

- 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 Lands Tribunal; and sections 2 and 4 of the <sup>M34</sup>Land Compensation Act 1961 shall apply in relation to the determination subject to any necessary modifications.
- (3) In relation to Scotland, any question of disputed compensation under sub-paragraph (1) shall be referred to and determined by the Lands Tribunal for Scotland; and sections 9 and 11 of the <sup>M35</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 sub-paragraph (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>M36</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.

**Marginal Citations**

**M34** 1961 c. 33.

**M35** 1963 c. 51.

**M36** 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>M37</sup>Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8 and section 31, shall apply.

**Marginal Citations**

**M37** 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>M38</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.

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**Marginal Citations**

**M38** 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 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>M39</sup>Lands Clauses Consolidation Act 1845.

**Marginal Citations**

**M39** 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.

SCHEDULE 7

Section 119.

DISCLOSURE OF INFORMATION

*Prohibition on disclosure*

- 1 (1) This Schedule applies to information if—  
(a) it was obtained by virtue of this Act (other than section 62 or 118), and  
(b) it relates to the affairs of an individual or to a particular business.  
(2) The information shall not be disclosed during the lifetime of the individual or so long as the business is carried on, except as provided below.

*Disclosure with consent*

- 2 Paragraph 1(2) does not apply to a disclosure made with the consent of the individual or the person for the time being carrying on the business.

*Other permitted disclosures*

- 3 (1) Paragraph 1(2) does not apply to a disclosure made—

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- (a) for the purpose of facilitating the carrying out by the Secretary of State, the Treasury, the Commission, the Competition Commission or the Council of any of his or their functions under this Act,
  - (b) for the purpose of facilitating the carrying out by a person or body mentioned in sub-paragraph (2) of any of his or its functions under an enactment or instrument specified in sub-paragraph (3),
  - (c) for the purpose of enabling or assisting the Secretary of State, the Treasury, the Department for Enterprise, Trade and Investment in Northern Ireland or the Department of Finance and Personnel in Northern Ireland to exercise any powers conferred by [<sup>F1</sup>the Financial Services and Markets Act 2000 ]<sup>M40</sup> or by the enactments relating to companies, insurance companies or insolvency,
  - (d) for the purpose of enabling or assisting an inspector appointed under the enactments relating to companies to carry out his functions,
  - (e) for the purpose of enabling or assisting an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a recognised professional body for the purposes of section 391 of the <sup>M41</sup>Insolvency Act 1986 or Article 350 of the <sup>M42</sup>Insolvency (Northern Ireland) Order 1989 to carry out its functions,
  - (f) for the purpose of facilitating the carrying out by the Health and Safety Commission or the Health and Safety Executive of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority (within the meaning of Part I of the <sup>M43</sup>Health and Safety at Work etc. Act 1974) of any functions under a relevant statutory provision (within the meaning of that Act),
  - (g) for the purpose of facilitating the carrying out by the Health and Safety Executive for Northern Ireland of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority (within the meaning of Part I of the <sup>M44</sup>Health and Safety at Work (Northern Ireland) Order 1978) of any function under a relevant statutory provision (within the meaning of that Order),
  - (h) for the purpose of facilitating the carrying out by the Comptroller and Auditor General, or the Comptroller and Auditor General for Northern Ireland, of any of his functions under any enactment,
  - (i) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings,
  - (j) for the purposes of any civil proceedings brought by virtue of this Act or any enactment or instrument specified in sub-paragraph (3),
  - (k) in pursuance of a Community obligation,
  - (l) by the Secretary of State, or with his consent, to an international organisation of which the United Kingdom is a member,
  - (m) in connection with negotiations conducted by officers of the Secretary of State with representatives of the government of a country or territory outside the United Kingdom,
  - (n) in connection with the discharge of an obligation of the United Kingdom under international arrangements.
- (2) The persons and bodies are—
- (a) any Minister of the Crown,
  - (b) any Northern Ireland department,
  - (c) any Northern Ireland Minister,

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- [<sup>F2</sup>(d) the Office of Fair Trading,]
  - (e) the Competition Commission,
  - [<sup>F3</sup>(f) the Office of Communications,]
  - (g) the Independent Television Commission,
  - <sup>F4</sup>(h) . . . . .
  - (i) the Director General of Gas for Northern Ireland,
  - (j) the Director General of Water Services,
  - (k) the Water Appeals Commission for Northern Ireland,
  - <sup>F4</sup>(l) . . . . .
  - (m) the Director General of Electricity Supply for Northern Ireland,
  - (n) the Coal Authority,
  - (o) the Civil Aviation Authority,
  - (p) the [<sup>F5</sup>Office of Rail Regulation],
  - (q) the Insolvency Practitioners Tribunal,
  - (r) a local weights and measures authority in Great Britain.
  - [<sup>F6</sup>(s) the Financial Services Authority,
  - (t) the Gas and Electricity Markets Authority,
  - (u) the Gas and Electricity Consumer Council.]
- [<sup>F7</sup>(3) The enactments and instruments are—
- (a) the Industrial and Provident Societies Act 1965 <sup>M45</sup> ,
  - (b) the Industrial and Provident Societies Act 1967 <sup>M46</sup> ,
  - (c) the Trade Descriptions Act 1968 <sup>M47</sup> ,
  - (d) the Friendly and Industrial and Provident Societies Act 1968 <sup>M48</sup> ,
  - (e) the Fair Trading Act 1973 <sup>M49</sup> ,
  - (f) the Consumer Credit Act 1974 <sup>M50</sup> ,
  - (g) the Friendly Societies Act 1974 <sup>M51</sup> ,
  - (h) the Industrial and Provident Societies Act 1975 <sup>M52</sup> ,
  - (i) the Industrial and Provident Societies Act 1978 <sup>M53</sup> ,
  - (j) the Estate Agents Act 1979 <sup>M54</sup> ,
  - (k) the Credit Unions Act 1979 <sup>M55</sup> ,
  - (l) the Competition Act 1980 <sup>M56</sup> ,
  - (m) the Telecommunications Act 1984 <sup>M57</sup> ,
  - (n) the Airports Act 1986 <sup>M58</sup> ,
  - (o) the Gas Act 1986 <sup>M59</sup> ,
  - (p) the Insolvency Act 1986 <sup>M60</sup> ,
  - (q) the Building Societies Act 1986 <sup>M61</sup> ,
  - (r) the Consumer Protection Act 1987 <sup>M62</sup> ,
  - (s) the Electricity Act 1989 <sup>M63</sup> ,
  - (t) the Broadcasting Act 1990 <sup>M64</sup> ,
  - (u) the Property Misdescriptions Act 1991 <sup>M65</sup> ,
  - (v) the Water Industry Act 1991 <sup>M66</sup> ,

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- (w) the Water Resources Act 1991 <sup>M67</sup> ,
- (x) the Friendly Societies Act 1992 <sup>M68</sup> ,
- (y) the Railways Act 1993 <sup>M69</sup> ,
- (z) the Coal Industry Act 1994 <sup>M70</sup> ,
- (aa) the Broadcasting Act 1996 <sup>M71</sup> ,
- (bb) the Competition Act 1998 <sup>M72</sup> ,
- (cc) the Financial Services and Markets Act 2000 <sup>M73</sup> ,
- (dd) the Regulation of Investigatory Powers Act 2000 <sup>M74</sup> ,
- (ee) the Utilities Act 2000 <sup>M75</sup> ,
- (ff) Part I of the Transport Act 2000 <sup>M76</sup> ,
- (gg) the Insolvency Act 2000 <sup>M77</sup> ,
- [ the Enterprise Act 2002,]
- <sup>F8</sup>(gh) [ the Communications Act 2003,]
- <sup>F9</sup>(gi) [ the Water Act 2003,]
- <sup>F10</sup>(gi) (hh) the Water and Sewerage Services (Northern Ireland) Order 1973 <sup>M78</sup> ,
- (ii) the Audit (Northern Ireland) Order 1987 <sup>M79</sup> ,
- (jj) the Consumer Protection (Northern Ireland) Order 1987 <sup>M80</sup> ,
- (kk) the Insolvency (Northern Ireland) Order 1989 <sup>M81</sup> ,
- (ll) the Electricity (Northern Ireland) Order 1992 <sup>M82</sup> ,
- (mm) Part IV of the Airports (Northern Ireland) Order 1994 <sup>M83</sup> ,
- (nn) the Gas (Northern Ireland) Order 1996 <sup>M84</sup> ,
- (oo) the Water (Northern Ireland) Order 1999 <sup>M85</sup> ,
- (pp) the EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001 <sup>M86</sup> ,
- (qq) any subordinate legislation made for the purpose of securing compliance with the Directive of the Council of the European Communities of 10th September 1984 (No. 84/450/ EEC) on the approximation of the laws, regulations and administrative provisions of the member States concerning misleading advertising.]

#### Textual Amendments

- F1** Words in Sch. 7 para. 3(1)(c) substituted (1.12.2001) by S.I. 2001/3617, **art. 2(2)**
- F2** Sch. 7 para. 3(2)(d) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 42(7)(a)**; S.I. 2003/766, **art. 2**, **Sch.** (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), **Sch.**)
- F3** Sch. 7 para. 3(2)(f) 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(3)(a)** (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** )
- F4** Sch. 7 para. 3(2)(h)(l) deleted (1.12.2001) by virtue of S.I. 2001/3617, **art. 2(3)**
- F5** Words in Sch. 7 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20) , **Sch. 2 para. 19(r)** ; S.I. 2004/827 , **art. 4(g)**

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- F6** Sch. 7 para. 3(s)(t)(u) added (1.12.2001) by S.I. 2001/3617, **art. 2(3)**
- F7** Sch. 7 para. 3(3) substituted (1.12.2001) by S.I. 2001/3617, **art. 2(4)**
- F8** Sch. 7 para. 3(3)(gh) inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 42(7)(b)**; S.I. 2003/766, art. 2, **Sch.** (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F9** Sch. 7 para. 3(3)(gi) inserted (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(3)(b)** (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)
- F10** Sch. 7 para. 3(3)(gi) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 33(b)**; S.I. 2004/641, art. 3(y), **Sch. 2** (with Sch. 3 para. 7)

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

- C1** Sch. 7 para. 3(1): disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2), **Sch. 4 Pt. 1 para. 51**

#### **Commencement Information**

- II** Sch. 7 para. 3 wholly in force; Sch. 7 para. 3 not in force at Royal Assent see s. 130; Sch. 7 para. 3(1)(b)-(n)(2)(3) in force and Sch. 7 para. 3(1)(a) in force for specified purposes at 6.11.2000 and Sch. 7 para. 3(1)(a) in force for further specified purposes at 1.1.2001 and in force insofar as not already in force at 26.3.2001 by S.I. 2000/2957, art. 2(1)-(3), **Schs. 1, 2, 3** (with transitional provisions in arts. 3-8)

#### **Marginal Citations**

- M40** 2000 c. 8.  
**M41** 1986 c. 45.  
**M42** S.I. 1989/2405 (N.I. 19).  
**M43** 1974 c. 37.  
**M44** S.I. 1978/1039 (N.I. 9).  
**M45** 1965 c. 12.  
**M46** 1967 c. 48.  
**M47** 1968 c. 29.  
**M48** 1968 c. 55.  
**M49** 1973 c. 41.  
**M50** 1974 c.39.  
**M51** 1974 c. 46.  
**M52** 1975 c. 41.  
**M53** 1978 c. 34.  
**M54** 1979 c. 38.  
**M55** 1979 c. 34.  
**M56** 1980 c. 21.  
**M57** 1984 c. 12.  
**M58** 1986 c. 31.  
**M59** 1986 c. 44.  
**M60** 1986 c. 45.  
**M61** 1986 c. 53.  
**M62** 1987 c. 43.  
**M63** 1989 c. 29.  
**M64** 1990 c. 42.  
**M65** 1991 c. 29.  
**M66** 1991 c. 56.  
**M67** 1991 c. 57.  
**M68** 1992 c. 40.  
**M69** 1993 c. 43.  
**M70** 1994 c. 21.

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- M71** 1996 c. 55.
- M72** 1998 c. 41.
- M73** 2000 c. 8.
- M74** 2000 c. 23.
- M75** 2000 c. 27.
- M76** 2000 c. 38.
- M77** 2000 c. 39.
- M78** S.I. 1973/70 (N.I. 2).
- M79** S.I. 1987/460 (N.I. 5).
- M80** S.I. 1987/2049 (N.I. 20).
- M81** S.I. 1989/2405 (N.I. 19).
- M82** S.I. 1992/231 (N.I. 1).
- M83** S.I. 1994/426 (N.I. 1).
- M84** S.I. 1996/275 (N.I. 2).
- M85** S.I. 1999/662 (N.I. 6).
- M86** S.I. 2001/2916.

- 4           The Secretary of State may by order modify paragraph 3.

*Other exceptions*

- 5           (1) Paragraph 1(2) does not limit the information which may be—
- (a) included in, or made public as a part of, a report on a reference under section 15,
  - (b) included in, or made public as part of, a report under section 45, 55 or 57,
  - (c) published by the Commission under section 46, or
  - (d) made available by the Council under section 52, 53 or 59 or the Commission under section 58.
- (2) Sub-paragraph (1) is without prejudice to any other exception to paragraph 1(2).
- (3) Paragraph 1(2) does not apply to information which has been made available to the public by being disclosed in circumstances in which, or for a purpose for which, disclosure is not precluded by this Schedule.

*Offence*

- 6           (1) A person commits an offence if he discloses information in contravention of this Schedule.
- (2) A person who commits an offence under sub-paragraph (1) 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.



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## 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.

##### Commencement Information

**I2** 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

**I3** 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

**I4** 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](#))

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- 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

**I5** 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)

- 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.

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- (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

**I6** 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.
- (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.

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## 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**

- 17** 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](#))

#### *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 that Schedule to that Act the reference to the Postal Services Commission shall be construed as a reference to the Commission established by section 1 of this Act.

#### *Post Office Act 1969 (c.48)*

- 11 In section 135(1) of the Post Office Act 1969 (remuneration of Post Office for issuing game licences in England and Wales) for “the Post Office”, where it appears for the first, second and third time, there shall be substituted “ the Post Office company ”.

#### **Commencement Information**

- 18** 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 ”,

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- (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

- I9** 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](#))

#### *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

- I10** 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))*

- 16 In paragraph 3(4) of Schedule 9A to the Rates (Northern Ireland) Order 1977 (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

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Postal Services Act 2000) and in connection with the provision of a universal postal service (within the meaning of that Act) ”.

#### Commencement Information

**I11** Sch. 8 para. 16 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148](#), art. 2, [Sch.](#) (subject to [arts. 3-42](#))

#### *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 ”,
- (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

**I12** 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.

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(4) In this section “postal services” and “universal service provider” have the same meanings as in the Postal Services Act 2000.”

**Commencement Information**

**I13** 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 ”,
  - (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**

**I14** 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**

**I15** 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) ”.

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**Commencement Information**

**I16** 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 ”.
- (3) In item 4 of Group 8 of Part II of Schedule 8 (zero-rating: transport of passengers) for “the Post Office” there shall be substituted “ the Post Office company ”.
- (4) In Group 3 of Part II of Schedule 9 (exemptions for postal services)—
- (a) for “the Post Office” in items 1 and 2 there shall, in each case, be substituted “ the Post Office company ”, and
  - (b) for the words in Note (1) from “the Post Office Act 1953” to “telegram” there shall be substituted “ the Postal Services Act 2000 ”.

**Commencement Information**

**I17** 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**

**I18** 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—



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- (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

**I19** 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](#))

#### *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

**I20** 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

**I21** 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](#))

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*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**

- I22** 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](#))

| Reference            | Short title or title                 | Extent of repeal or revocation   |
|----------------------|--------------------------------------|--|
| 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.<br>Sections 10 to 12.<br>Sections 14 and 15.<br>Sections 28 to 30.<br>Section 33.<br>Sections 37 to 41.<br>Sections 43 and 44.<br>Sections 46 to 48.  |

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|                 |   |   |
|-----------------|---|---|
|                 |   | 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.  |
|                 |   | 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).<br><br>Sections 59 to 61.<br>Sections 63 to 69.<br>Sections 71 to 76.<br>In Schedule 3, paragraph 51(1) and (3).                            |
| 1981 c. 45.     | Forgery and Counterfeiting Act 1981.                              | Section 29.   |

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|                        |  |   |
|------------------------|--|---|
| 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).<br><br>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.<br>In Schedule 7, paragraph 13.  |
| 1986 c. 44.            | Gas Act 1986.  | In Schedule 7, paragraph 10.  |
| 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”.<br><br>Regulation 2(2) and (3). |

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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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