

SCHEDULES

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.
- (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 Post Office Act 1969 (pension payments for certain former civil servants).

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- (2) Sub-paragraph (1) is without prejudice to the generality of the transfer effected by virtue of section 62.
- 3 Section 6(2) of the 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 Telecommunications Act 1984) included references to the Post Office company.
- 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 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)—
- (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.

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,

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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 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.

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- (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),
 - (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.
- (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”.