



# Post Office Act 1969

## 1969 CHAPTER 48

### PART III

#### THE NEW AUTHORITY FOR THE CONDUCT OF POSTAL AND TELEGRAPHIC BUSINESS

##### *Miscellaneous Matters*

#### **64 Inviolability of mails**

- (1) Subject to the provisions of this section, a packet in the post, anything contained in a packet in the post and a mail-bag containing a packet in the post shall (if it is not the property of the Crown) have the like immunity from examination under a power conferred by or under any enactment (whether passed before or after this Act), from seizure or detention under such a power, from seizure under distress or in execution and from retention by virtue of a lien, as it would have if it were the property of the Crown.
- (2) The Post Office and a person who is engaged in its business shall be entitled to the like immunity from prosecution for possession of anything contained in a packet in the post, being a thing whose possession is prohibited by or under any enactment (whether passed before or after this Act), and for failure to comply, as respects anything contained in a packet in the post, with any condition or restriction imposed by or under any enactment (whether passed before or after this Act) with respect to its possession, carriage or delivery, as the Post Office and that person would be entitled to if the Post Office were a government department.
- (3) Subsection (1) above does not apply to a power conferred by an enactment for the time being in force relating to customs in its application, by virtue of section 16 of the Post Office Act 1953 or any regulations made under that section, to goods contained in postal packets, or to the powers conferred by sections 17 (detention of postal packets containing contraband) and 26(6) (search and seizure of postal packets by officers of customs and excise) of that Act.

## **65      Obligation of secrecy**

- (1) Information obtained by a person in the course of the provision for another, by virtue of this Part of this Act, of data processing services or services connected therewith shall not, without the consent of that other, be disclosed by the first-mentioned person except for the purpose of performing his duties in relation to those services or in such cases as may be required by law.
- (2) A person who discloses information in contravention of the foregoing subsection shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;
  - (b) on summary conviction, to a fine not exceeding £400.

## **66      Harbour charges on mail-bags**

- (1) Any statutory provision made with respect to a harbour authority shall, on the appointed day, cease to have effect in so far as it exempts mail-bags or any description thereof from charges.
- (2) No charge imposed by a harbour authority in respect of goods brought into, taken out of, or carried through a harbour which, in the exercise and performance of statutory powers and duties, they are engaged in improving, maintaining or managing shall apply to goods contained in—
  - (a) mail-bags carried by the Post Office or consigned by it to another for carriage (whether to a foreign administration or not) or by a foreign administration to it for carriage; or
  - (b) mail-bags consigned by one foreign administration to another, being mail-bags which, when in the United Kingdom, are in the charge of the Post Office.
- (3) Charges in respect of mail-bags and their contents exigible by a harbour authority at a harbour which, in the exercise and performance of statutory powers and duties, they are engaged in improving, maintaining or managing (being mail-bags carried or consigned as aforesaid) shall, notwithstanding anything in any statutory provision made with respect to the authority, not be payable before the expiration of the period of eight weeks beginning with the day on which the bags are brought within the limits of the harbour, and shall be recoverable by means of proceedings instituted in that behalf in any court of competent jurisdiction to the exclusion of any other means.
- (4) In this section, except in its application to Northern Ireland or the Isle of Man, references to a harbour which, in the exercise and performance of statutory powers and duties, a harbour authority are engaged in improving, maintaining or managing shall be construed in like manner as if they were contained in the Harbours Act 1964.
- (5) In the application of this section to Northern Ireland, references to a harbour which, in the exercise and performance of statutory powers and duties, a harbour authority are engaged in improving, maintaining or managing shall be construed as references to a harbour which is being improved, maintained or managed by such an authority in the exercise of powers conferred by a statutory provision, in the performance of duties imposed by a statutory provision or in the exercise and performance of powers conferred and duties imposed by a statutory provision.
- (6) In the application of this section to the Isle of Man, references to a harbour which, in the exercise and performance of statutory powers and duties, a harbour authority are

engaged in improving, maintaining or managing shall be construed as referring to a harbour vested in the Isle of Man Harbour Board.

#### **67 Mail-bags not to be subject to control by harbour authorities**

Nothing in a statutory provision made (whether before or after this Act) with respect to a harbour authority shall extend to regulate or subject to control—

- (a) mail-bags carried by the Post Office or consigned by it to another for carriage (whether to a foreign administration or not) or by a foreign administration to it for carriage; or
- (b) mail-bags consigned by one foreign administration to another, being mail-bags which, when in the United Kingdom, are in the charge of the Post Office.

#### **68 Abolition of exemptions from tolls**

On the appointed day, the following shall cease to have effect, namely.—

- (a) section 77 of the Post Office Act 1953 (exemption from toll); and
- (b) any other statutory provision, in so far as (apart from this section) it would operate to exempt from a toll a person engaged in the business of the Post Office or an animal or vehicle used for the purposes of that business, or a mail-bag (within the meaning of the Post Office Act 1953) or person in charge thereof.

#### **69 Documentary evidence as to sums due for services**

- (1) A certificate of the Post Office that a specified sum is due to it from a specified person under provisions of a scheme made under section 28 of this Act with respect to telecommunication services shall, in any proceedings instituted by it against him or his personal representatives or against it by him or his personal representatives, be evidence (and, in Scotland, sufficient evidence) of that fact.
- (2) A certificate of the Post Office that a specified sum is due to it from a specified person under an agreement with respect to telecommunication services provided by it shall (subject to any term of the agreement to the contrary), in any proceedings instituted by it against him or his personal representatives or against it by him or his personal representatives, be evidence (and, in Scotland, sufficient evidence) of that fact.
- (3) In any proceedings instituted by or against the Post Office to which the rate at which a charge was levied at any time, in respect of a service, by an authority outside the British Islands is material, a certificate of the Post Office that the charge was levied at that rate at that time in respect of that service by that authority shall be conclusive evidence of that fact.

#### **70 Provisions as to money and postal orders**

- (1) Where, in the British Islands, a money or postal order issued by the Post Office is presented for payment by a banker to whom it has been delivered for collection, payment of it to him discharges it.
- (2) Where, in the British Islands.—

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- (a) an uncrossed money or postal order issued by the Post Office, being an order expressed to be payable to a person specified or described therein and being, or purporting to be, signed by him or on his behalf; or
  - (b) an uncrossed postal order so issued, being an order not expressed to be payable to such a person;
- is presented for payment otherwise than by a banker to whom it has been delivered for collection, payment of the order to the person by whom it is presented discharges it.
- (3) A money or postal order issued by the Post Office is discharged by the payment thereof outside the British Islands in accordance with arrangements in that behalf made by the Post Office.
- (4) Where a money or postal order issued by a foreign administration is paid by the Post Office to a banker to whom it has been delivered for collection on behalf of a person other than the true owner of the order, the Post Office shall not be liable to the true owner of the order by reason of having paid it to that banker.
- (5) Where—
- (a) an uncrossed money or postal order issued by a foreign administration, being an order expressed to be payable to a person specified or described therein and purporting to be signed by him or on his behalf ; or
  - (b) an uncrossed postal order so issued, being an order not expressed to be payable to such a person;
- is presented to the Post Office for payment otherwise than by a banker to whom it has been delivered for collection or the true owner of the order, payment of the order by the Post Office to the person presenting it shall not render the Post Office liable to the true owner of the order.
- (6) No proceedings shall lie against the Post Office for loss or damage due to refusal by it to pay, or delay by it in paying, a money or postal order issued by it or a foreign administration.
- (7) A scheme made under section 28 of this Act may provide that a money or postal order issued by the Post Office or a foreign administration will not, after the expiration of a specified period, be paid by the Post Office except on satisfaction of specified conditions.
- (8) References in this section (except that in subsection (3)) to a money order issued by the Post Office shall be construed as including references to an order issued by it in pursuance of such an arrangement as is mentioned in section 24 of the Post Office Act 1953 (arrangements with other countries as to transmission of small sums through post offices), being an order which is for the payment of money in the British Islands and corresponds to a money order issued by the Post Office.

## **71 Recoupment of losses on money orders wrongly paid to bankers**

- (1) Where, after payment by the Post Office to a banker to whom it has been delivered for collection of a money order issued by the Post Office or a foreign administration, it is found that it ought not to have been paid, the sum paid may be deducted from sums subsequently falling to be paid by the Post Office to that banker by way of payment of money orders so issued that have been delivered to him for collection.
- (2) References in this section to a money order issued by the Post Office shall be construed as including references to an order issued by it in pursuance of such an arrangement

as is mentioned in section 24 of the Post Office Act 1953, being an order which is for the payment of money in the British Islands and corresponds to a money order issued by the Post Office.

**72 Remuneration of the Post Office for services rendered in relation to parliamentary elections**

- (1) In the case of a postal or telegraphic service rendered by the Post Office in pursuance of the Representation of the People Act 1949 without charge, the Post Office shall be entitled to be remunerated for having rendered it at the rate for the time being fixed in relation thereto by virtue of section 28 of this Act.
- (2) A sum which, by virtue of the foregoing subsection, the Post Office is entitled to receive shall be charged on, and issued out of, the Consolidated Fund.

**73 Reimbursement by the Post Office of the Minister of contributions to international organisations**

The Post Office may reimburse the Minister the whole or any part of a sum paid by him by way of contribution towards the expenses of an international organisation of which Her Majesty's Government in the United Kingdom is a member, being an organisation concerned with activities which the Post Office has power to carry on.

**74 Taxation of the Post Office's profits and capital gains**

- (1) In the case of the Post Office, section 61 of the Finance Act 1965 (company reconstructions without change of ownership) shall, as from the appointed day, apply, so far as applicable, as if the Postmaster General had been a company and the condition mentioned in subsection (1)(a) were satisfied.
- (2) Part III of the Finance Act 1965 (capital gains) shall apply in relation to a disposal by the Post Office of an asset acquired by virtue of this Part of this Act as if the acquisition or provision of the asset by the Crown had been the acquisition or provision of it by the Post Office.

**75 Records**

- (1) The Public Records Act 1958 shall, as from the appointed day, have effect as if the Post Office were included amongst the bodies and establishments set out in Part II of the Table at the end of paragraph 3 of Schedule 1 to that Act.
- (2) The Minister shall have power by order to vest in the Post Office the property in such records of the department of the Postmaster General as may be specified in or described by the order, and to give to the Post Office, with respect to records in the case of which the property therein has been vested in the Post Office by an order under this subsection, such directions as he thinks fit for securing that they are available to the Crown for inspection and copying.

**76 Consequential adaptations of enactments**

The provisions of Schedule 4 to this Act shall have effect for adapting the provisions of the enactments and Orders in Council therein mentioned in consequence of the

assumption by the Post Office of functions which, before the appointed day, are exercised and performed by the Postmaster General.

**77 Repair of minor statutory deficiencies**

The provisions of Schedule 5 of this Act shall have effect for repairing minor deficiencies in the Telegraph Act 1863, the Telegraph Act 1868, the Post Office (Protection) Act 1884 and the Post Office Act 1953.

**78 Penalization of improper use of telecommunication services**

A person who—

- (a) sends, by means of a public telecommunication service, a message or other matter that is grossly offensive or of an indecent, obscene or menacing character ; or
- (b) for the purpose of causing annoyance, inconvenience or needless anxiety to another, sends by those means a message that he knows to be false or persistently makes use for that purpose of public telecommunication services;

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50.

**79 Amendment of law as to packets addressed to a poste restante**

Section 87(2)(c) of the Post Office Act 1953 (which provides that delivery of a postal packet at the premises to which it is addressed or redirected, or to the addressee's servant or agent or to some other person considered to be authorised to receive the packet, shall be a delivery to the addressee) shall have effect as if, after the word "redirected", there were inserted the words "(except they be a post office from which it is to be collected)".

**80 Provision of information to persons holding office under the Crown**

A requirement to do what is necessary to inform designated persons holding office under the Crown concerning matters and things transmitted or in course of transmission by means of postal or telecommunication services provided by the Post Office may be laid on the Post Office for the like purposes and in the like manner as, at the passing of this Act, a requirement may be laid on the Postmaster General to do what is necessary to inform such persons concerning matters and things transmitted or in course of transmission by means of such services provided by him.

**81 Modification of enactments relating to wages councils**

- (1) There shall be excluded from the workers in relation to whom the Road Haulage Wages Council and any wages council established under Part I of the Wages Councils Act 1959 may operate any persons employed by the Post Office on road haulage work within the meaning of the Road Haulage Wages Act 1938 ; and there shall be excluded from the workers in relation to whom the Road Haulage Wages Council (Northern Ireland) and any wages council established under the Wages Councils Act (Northern Ireland) 1945 may operate any persons employed by the Post Office on road haulage work within the meaning of paragraph 1 of the Schedule to the Road Haulage Wages Council (Northern Ireland) (Variation) Order 1952.

- (2) Part II of the Road Haulage Wages Act 1938 (provisions with respect to the remuneration of workers employed by private carriers in connection with the mechanical transport of goods by road) shall not apply to work done by a person employed by the Post Office.
- (3) For the purposes of any wages regulation order in force under Part II of the Wages Councils Act 1959 on the appointed day, vehicles which are being used by the Post Office by persons employed by it, being vehicles which are specified in licences, shall be deemed to be vehicles not specified in any licence, and so much of section 94(10) of the Transport Act 1968 as requires vehicles not specified in an A licence or a B licence to be treated as so specified if used wholly or mainly for a purpose for which, but for section 93 of that Act, an A licence or a B licence would be required shall not apply to vehicles that are being used by the Post Office by persons employed by it.

**82 Power of the Minister, pending transfer to the Minister of Transport from county councils of functions connected with issue of vehicle excise licences, to direct the Post Office to issue such licences**

- (1) The Minister may, at the request of a county council and after consultation with the Post Office, give to the Post Office a direction that, during such period as may be specified in the direction (which shall not begin before the appointed day nor end after the day immediately preceding the transfer date), it shall, in normal business hours, issue on behalf of the council licences under the Vehicles (Excise) Act 1962.
- (2) Subsections (4), (5) and (6) of section 12 of this Act shall apply for the purposes of the foregoing subsection as if any reference in those subsections to subsection (2) of that section included a reference to the foregoing subsection.
- (3) In consideration of its complying with a direction given under this section with reference to a county council, the Post Office shall be entitled to receive payment from that council (of an amount to be determined, in the event of a dispute's arising as to the amount thereof, by the Minister).
- (4) In this section the expression " county council" shall be construed in like manner as if it were contained in the Vehicles (Excise) Act 1962 and " the transfer date" means the date which, by virtue of subsection (2) of section 1 of the Vehicle and Driving Licences Act 1969, is appointed by the Minister of Transport for the purposes of subsection (1) of that section.

**83 Repeal of certain provisions of the Telegraph Act 1868**

The following provisions of the Telegraph Act 1868 shall cease to have effect on the appointed day, namely.—

- (a) section 9(6)(g) (the effect of which is to require the transmission, free of charge, of business telegrams sent by the successors to certain railway undertakers);
- (b) section 9(7) (the effect of which is to enable the said successors to be required to transmit the telegrams of others by means of lines controlled by them);
- (c) section 9(8) (the effect of which, as read with section 5 of the Telegraph Act 1869, is to enable the said successors to work, without infringement of the exclusive privilege conferred by section 4 of that Act, telegraphs erected under arrangements made by them with certain traders); and

- (d) section 12 (the effect of which is to subject part of the British Waterways Board's canal system to a way-leave for telegraphs and to require the transmission, free of charge, of certain telegrams sent by that Board).

**84 Exemption from postage of certain petitions and addresses, and limitation of amount of postage recoverable in respect of parliamentary proceedings**

- (1) Notwithstanding anything in a scheme made under section 28 of this Act.—
- (a) petitions and addresses forwarded to Her Majesty or, in Northern Ireland, to the Governor of Northern Ireland, by post shall be exempt from postage chargeable by the Post Office ; and
  - (b) petitions and addresses to Her Majesty, and petitions addressed to either House of Parliament, sent by post to a member of either House of Parliament shall be exempt from postage so chargeable if the petitions or addresses do not exceed thirty-two ounces in weight and are sent without covers or in covers open at the sides.
- (2) Notwithstanding anything in a scheme made under section 28 of this Act, where the postage chargeable by the Post Office on a packet consisting of parliamentary proceedings has not been prepaid by the sender or has been insufficiently prepaid by him, there shall not be recoverable by the Post Office (whether from the sender or the addressee) a sum exceeding the amount, as the case may be, of the postage or of the deficiency.
- (3) In the application of this section to Northern Ireland, "Parliament" includes the Parliament of Northern Ireland and "parliamentary " shall be construed accordingly.

**85 Final accounts under the Post Office Act 1961**

- (1) The following provisions shall have effect in relation to the financial year ending 31st March next before the appointed day:—
- (a) the duties imposed by section 12 of the Post Office Act 1961 on the Postmaster General to prepare, in respect of each financial year, a statement of accounts and a report on the business of the Post Office, shall, if not discharged by him before the appointed day, be discharged instead by the Post Office;
  - (b) the duty imposed by that section on him to lay before Parliament copies of that report having annexed thereto copies of the statement of accounts and of the Comptroller and Auditor General's report thereon shall, if not discharged by the Postmaster General before the appointed day, be discharged instead by the Minister;
  - (c) the statement of accounts in respect of that year and the copy of the Comptroller and Auditor General's report thereon shall, if not returned by him to the Postmaster General before the appointed day, be returned to the Post Office; and
  - (d) the Post Office shall transmit to the Minister copies of any document prepared by, or returned to, it in pursuance of this subsection.
- (2) If the appointed day is other than a 1st April, the said section 12 and the last foregoing subsection shall have effect in relation to the period beginning with the immediately preceding 1st April and ending with the day immediately preceding the appointed day as they apply with respect to the financial year mentioned in that subsection, subject, however.—



- (a) in the case of that section, to the modification that anything required to be done before the end of a specified month shall be done as soon as possible; and
- (b) in the case of that subsection, to the omission of any such words as render conditional a duty thereby imposed.

## 86 Interpretation of Part III

(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" accounting year " means the period beginning with the appointed day and ending with 31st March next following or any subsequent period of twelve months beginning with the end of a previous accounting year ;

" banker " includes a body of persons, whether incorporated or not, who carry on the business of banking ;

" the British Islands " means the United Kingdom, the Isle of Man and the Channel Islands ;

" cash on delivery service " means a service whereby the Post Office or a foreign administration collects or secures the collection of a sum of money on the delivery of anything consigned for conveyance by post and remits it to the sender thereof;

" foreign administration " means a postal administration other than the Post Office;

" harbour ", except in relation to Northern Ireland or the Isle of Man, has the same meaning as in the Harbours Act 1964, in relation to Northern Ireland, means any harbour, whether natural or artificial, and any port, haven or estuary, and includes a dock and a wharf, quay, pier, jetty or other place at which seagoing ships (including hovercraft) can ship or unship goods or embark or disembark passengers and, in relation to the Isle of Man, has the meaning assigned to it by section 1 of the Harbours (Isle of Man) Act 1961 (of Tynwald);

" harbour authority ", except in relation to Northern Ireland or the Isle of Man, has the same meaning as in the Harbours Act 1964, in relation to Northern Ireland, means any person in whom are vested, by any statutory provision, the powers or duties of improving, maintaining or managing a harbour and, in relation to the Isle of Man, means the Isle of Man Harbour Board;

" hovercraft " has the same meaning as in the Hovercraft Act 1968 ;

" land " includes any interest in land and any right over land;

" local authority ".—

- (a) in relation to England and Wales, means the council of a county, county borough or county district, the Greater London Council, the council of a London borough or the Common Council of the City of London;
- (b) in relation to Scotland, means a county council or a town council;
- (c) in relation to Northern Ireland, means the council of a county, county borough or county district or a joint board constituted under the Public Health Acts (Northern Ireland) 1878 to 1966 or section 7(1) of the Water Supplies and Sewerage Act (Northern Ireland) 1945;

" mail-bag " includes any container in which articles are enclosed by the Post Office or a foreign administration for the purpose of the conveyance thereof by post;

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" national health service authority "—

- (a) in relation to England and Wales, means a regional hospital board, board of governors of a teaching hospital or hospital management committee established under Part II of the National Health Service Act 1946 or an executive council established under section 31 of that Act;
- (b) in relation to Scotland, means a regional hospital board or board of management established under Part II of the National Health Service (Scotland) Act 1947 or an executive council established under section 32 of that Act;
- (c) in relation to Northern Ireland, means the Northern Ireland General Health Services Board, the Northern Ireland Hospitals Authority, a hospital management committee established under Part III of the Health Services Act (Northern Ireland) 1948 or a special care management committee established under Part I of the Mental Health Act (Northern Ireland) 1961;

" statutory provision ", except in relation to Northern Ireland or the Isle of Man, has the same meaning as in section 57(1) of the Harbours Act 1964, in relation to Northern Ireland, has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954 and, in relation to the Isle of Man, means an Act of Tynwald.

- (2) Any reference in this Part of this Act to a subsidiary shall be construed in accordance with section 154 of the Companies Act 1948 and any reference therein to a wholly owned subsidiary shall be construed in accordance with section 150(4) of that Act.
- (3) Any reference in this Part of this Act to data processing shall be construed as including a reference to the storage and retrieval of information.
- (4) Nothing in this Part of this Act shall be taken to restrict the construction of references to the Post Office's business so as to exclude the performance of services which, by virtue of section 7(1)(d) of this Act, it has power to perform.

## **87 Power of Her Majesty in Council to make necessary provision if the Post Office surrenders privileges as regards the Isle of Man or the Channel Islands**

- (1) In the event of the conclusion of any such agreement as follows, namely.—
  - (a) an agreement between the Minister and the Government of the Isle of Man providing for either or both of the following, namely.—
    - (i) the surrender by the Post Office, as regards that Isle, of the privilege conferred on the Post Office by section 3 of the Post Office Act 1953 and the administration in that Isle of postal services by, or under the authority of, that government instead of by the Post Office ;
    - (ii) the surrender by the Post Office, as regards that Isle, of the privilege conferred on the Post Office by section 24 of this Act and the administration in that Isle of telecommunication services by, or under the authority of, that government instead of by the Post Office;
  - (b) an agreement between the Minister and the States of Jersey providing for either or both of the following, namely.—
    - (i) the surrender by the Post Office, as regards the Bailiwick of Jersey, of the privilege conferred on the Post Office by the said section 3 and the administration in that Bailiwick of postal services by, or under the authority of, the States instead of by the Post Office;

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- (ii) the surrender by the Post Office, as regards that Bailiwick, of the privilege conferred on the Post Office by the said section 24 and the administration in that Bailiwick by, or under the authority of, the States instead of by the Post Office of such telecommunication services as are being administered there by the Post Office ; or
- (c) an agreement between the Minister and the States of Guernsey providing for either or both of the following, namely.—
  - (i) the surrender by the Post Office, as regards the Bailiwick of Guernsey, of the privilege conferred on the Post Office by the said section 3 and the administration in that Bailiwick of postal services by, or under the authority of, the States instead of by the Post Office ;
  - (ii) the surrender by the Post Office, as regards that Bailiwick, of the privilege conferred on the Post Office by the said section 24 and the administration in that Bailiwick by, or under the authority of, the States instead of by the Post Office of such telecommunication services as are being administered there by the Post Office ;

Her Majesty may by Order in Council make such provision as it appears to Her requisite or expedient to make in order to enable effect to be given to the agreement or in consequence of the conclusion thereof, including in particular, provision for the amendment or repeal of enactments (including enactments contained in this Act) or other instruments.

- (2) The power conferred by the foregoing subsection on Her Majesty to make an Order in Council shall include power, exercisable in like manner, to vary or revoke an Order in Council made in exercise of that power.