



# Post Office Act 1969

## 1969 CHAPTER 48

### PART III

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

##### *Powers of the Minister of Posts and Telecommunications over the Post Office*

#### **11 General ministerial control and supervision of the Post Office**

- (1) The Minister may, after consultation with the Post Office, give to it such directions of a general character as to the exercise by it of its powers as appear to the Minister to be requisite in the national interest.
- (2) If it appears to the Minister that there is a defect in the general plans or arrangements of the Post Office for exercising any of its powers, he may, after consultation with it, give it directions of a general character for remedying the defect.
- (3) Without prejudice to the foregoing provisions of this section, if it appears to the Minister to be requisite or expedient so to do—
  - (a) in the interests of national security or relations with the government of a country or territory outside the British Islands; or
  - (b) in order—
    - (i) to discharge, or facilitate the discharge of, an obligation binding on Her Majesty's Government in the United Kingdom by virtue of its being a member of an international organisation or a party to an international agreement;
    - (ii) to attain, or facilitate the attainment of, any other object the attainment of which is, in the Minister's opinion, requisite or expedient in view of Her Majesty's Government in the United Kingdom being a member of such an organisation or a party to such an agreement; or
    - (iii) to enable Her Majesty's Government in the United Kingdom to become a member of such an organisation or a party to such an agreement;

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he may, after consultation with the Post Office, give to it directions requiring it (according to the circumstances of the case) to secure that a particular thing that it or a subsidiary of its is doing is no longer done or that a particular thing that it has power to do, but is not being done either by it or by a subsidiary of its, is so done.

- (4) If it appears to the Minister that the Post Office is showing undue preference to, or is exercising undue discrimination against, any person or persons of any class or description in the charges or other terms and conditions applicable to services provided by it, being services which, by virtue of the following provisions of this Part of this Act, it has the exclusive privilege of providing, he may, after consultation with the Post Office, give it such directions as appear to him requisite to secure that it ceases so to do.
- (5) The Post Office shall comply with directions given to it under any of the foregoing provisions of this section.
- (6) The Post Office shall not disclose any directions given to it under any of the foregoing provisions of this section if the Minister notifies it that he is of opinion that it is against the interests of national security to do so.
- (7) In the case of a wholly owned subsidiary of the Post Office, it shall so exercise the rights conferred on it by the holding of its interest therein as to secure that no person is appointed to be a director of the subsidiary except after previous consultation with the Minister as to his suitability for appointment.
- (8) The Post Office, in carrying out any such work of development as involves substantial outlay on capital account and, if it has subsidiaries, in securing the carrying out by them of any such work, shall act in accordance with a general programme settled from time to time with the approval of the Minister.
- (9) The Post Office shall furnish the Minister with such returns, accounts and other information with respect to its property and activities, and, if it has subsidiaries, with respect to their property and activities, as he may from time to time require.
- (10) Without prejudice to the provisions of the last foregoing subsection, the Post Office shall, as soon as possible after the end of each accounting year, make to the Minister a report on the exercise and performance by it of its functions during that year (which shall include such particulars as the Minister may, after consultation with the Post Office and with the approval of the Treasury, direct with respect to its activities and those of its subsidiaries so far as consisting in the construction, manufacture or production of articles in that year), and the Minister shall lay a copy of every such report before each House of Parliament.
- (11) The report made under the last foregoing subsection for any year shall set out any directions given under this section by the Minister to the Post Office during that year, except such (if any) as were the subject of notifications under subsection (6) above.

## **12 Power of the Minister to direct the Post Office to do work for government departments and local authorities**

- (1) Subject to the provisions of this section, the Minister may, after consultation with the Post Office, give to it a direction that it shall do, for Her Majesty's Government in the United Kingdom or Her Majesty's Government in Northern Ireland, work of such a description as may be specified in the direction, being work consisting in the effecting

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of transactions in normal business hours in such parts of post offices as are open to the public during those hours for the transaction of postal business.

(2) Subject to the provisions of this section, the Minister may, after consultation with the Post Office, give to it a direction that it shall, in normal business hours, issue, on behalf of a local authority in Great Britain specified in the direction, licences of the following kinds (or of such of them as may be so specified) namely:—

- (a) dog licences;
- (b) licences for dealing in game ; and
- (c) licences for killing game ;

but so that no direction be given under this subsection with reference to a local authority except at its request.

(3) Subject to the provisions of this section, the Minister may, after consultation with the Post Office, give to it a direction that it shall, in normal business hours, issue licences under the Vehicles (Excise) Act (Northern Ireland) 1954 on behalf of a county council or county borough council in Northern Ireland specified in the direction, but so that no direction be given under this subsection with respect to such a council except at its request.

(4) The Post Office shall comply with a direction given to it under subsection (1), (2) or (3) above.

(5) In the event of a dispute's arising as to the places at which, days on which or periods during which work is to be done in compliance with a direction given under subsection (1) above or licences are to be issued in compliance with a direction given under subsection (2) or (3) above, it shall be determined by the Minister.

(6) The Minister shall not give a direction under subsection (1), (2) or (3) above or proceed to a determination under the last foregoing subsection except after taking into consideration the administrative arrangements of the Post Office for the time being in force and the facilities available to it for the time being for doing the work in question or, as the case may be, issuing the licences in question and for exercising and performing its other functions.

(7) In consideration Of its complying with a direction given under subsection (1) above, the Post Office shall be entitled to receive payment from the Crown (of an amount to be determined, in the event of a dispute's arising as to the amount thereof, by the Minister), and the direction may include provision as to the person by whom the payment is to be made and the manner in which it is to be defrayed.

(8) In consideration of its complying with a direction given under subsection (2) above with reference to a local authority in Scotland, the Post Office shall be entitled to receive payment from that authority (of an amount to be determined, in the event of a dispute's arising as to the amount thereof, by the Minister).

(9) In consideration of its complying with a direction given under subsection (3) above, the Post Office shall be entitled to receive payment from the Crown in right of Her Majesty's Government in Northern Ireland (of an amount to be determined, in the event of a dispute's arising as to the amount thereof, by the Minister).

(10) No direction shall be given under this section requiring the Post Office to do anything before the appointed day.

### **13 Restriction of carrying on by the Post Office and its subsidiaries of certain activities**

- (1) Consultation with the Minister by the Post Office shall be requisite before it or a subsidiary of its constructs, manufactures or produces, for the relevant purpose, things of any kind to an extent substantially greater than that to which the Postmaster General constructed, manufactured or produced, for the corresponding purpose, things of that kind during the period beginning with the 1st April 1961 and ending with the day immediately preceding the appointed day; and it shall similarly be requisite before the Post Office or a subsidiary of its constructs, manufactures or produces, to a substantial extent for the relevant purpose, things of a kind that the Postmaster General did not construct, manufacture or produce for the corresponding purpose during that period.
- (2) The approval of the Minister shall be requisite to the carrying on by the Post Office or a subsidiary of its of activities consisting in the construction, manufacture, production or purchase for supply to outside persons of things for use by such persons otherwise than in connection with services provided by the Post Office or a subsidiary of its; and—
  - (a) the approval of the Minister may be given for the purposes of this subsection subject to such conditions (if any) as he may deem fit; but
  - (b) notwithstanding the giving of approval, the Minister may at any time, after consultation with the Post Office, direct it to discontinue or, as the case may be, to exercise its control over a subsidiary of its so as to require the subsidiary to discontinue, any activity that the Post Office or, as the case may be, the subsidiary is carrying on with approval.
- (3) The Minister shall publish, in such manner as he thinks fit, particulars of any approval given under the last foregoing subsection by him, and shall send them to the Confederation of British Industry and the Trades Union Congress.
- (4) In carrying on any activities to which subsection (2) of this section applies the Post Office shall act as if it were a company engaged in a commercial enterprise, and it shall so exercise its control over a subsidiary of its that carries on any such activities as to ensure that the subsidiary so acts.
- (5) In this section.—
  - (a) " outside persons " means persons other than the Post Office or its subsidiaries;
  - (b) " the relevant purpose " means the purpose of use by the Post Office or a subsidiary of its or of supply to outside persons for use by them in connection with services provided by the Post Office or a subsidiary of its; and
  - (c) " the corresponding purpose " means the purpose of use by the Postmaster General or of supply to others for use by them in connection with services provided by him;

and, for the purposes of this section, the assembly of an article in the course of its installation at the place where it is to be used shall not be taken to constitute its manufacture, construction or production.