

Status: Point in time view as at 26/08/1994.

Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Cross Heading: Adaptations of other Enactments. (See end of Document for details)

# SCHEDULES

## SCHEDULE 4 U.K.

### ADAPTATIONS OF ENACTMENTS AND ORDERS IN COUNCIL CONSEQUENTIAL ON THE ASSUMPTION BY THE NEW AUTHORITY FOR THE CONDUCT OF POSTAL AND TELEGRAPHIC BUSINESS OF FUNCTIONS EXERCISED AND PERFORMED BEFORE THE APPOINTED DAY BY THE POSTMASTER GENERAL

#### PART II U.K.

##### ADAPTATIONS OF PUBLIC GENERAL ENACTMENTS

###### *Adaptations of other Enactments*

14 As from the appointed day section 11 of the <sup>M1</sup>Juries Act 1862 and section 22 of the <sup>M2</sup>Juries Act (Ireland) 1871 (summoning of jurors by post) shall each have effect as if, for the words from “under such regulations” to the words “the postmaster shall” there were substituted the words “the postmaster, upon receipt of the fee (if any) exigible for so doing, shall”.

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

C1 The text of Sch. 4 paras. 2(8)(10)(15)(22), 14 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

M1 1862 c. 107.  
M2 1871 c. 65.

15 ..... F1

**Textual Amendments**

F1 Sch. 4 para. 15 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

16—19. .... F2

**Textual Amendments**

F2 Sch. 4 paras. 5, 6, 8, 10, 16–19 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

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20 ..... F3

Textual Amendments
F3 Sch. 4 para. 20 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XIX

21 (1) ..... F4, as from the appointed day, any ..... F5 office belonging to, or occupied by, the authority shall be a prohibited place for the purposes of that Act.

(2) Section 5 of the M3 Official Secrets Act 1920 shall not apply to the authority; and, as from the appointed day, the reference in subsection (6) of that section to the Postmaster General shall be construed as referring to the authority.

Textual Amendments
F4 Words repealed by Official Secrets Act 1989 (c. 6, SIF 39:2), s. 16(4), Sch. 2
F5 Words repealed by British Telecommunications Act 1981 (c. 38), Sch. 6 Pt. II
Marginal Citations
M3 1920 c. 75.

22 ..... F6

Textual Amendments
F6 Sch. 4 para. 22 repealed (S.) by Bankruptcy (Scotland) Act 1985 (c. 66, SIF 11:2), s. 75(2), Sch. 8

23 ..... F7

Textual Amendments
F7 Sch. 4 para. 23 repealed (E.W.) by Insolvency Act 1985 (c. 65, SIF 11:1), s. 235, Sch. 10 Pt. III

24 ..... F8

Textual Amendments
F8 Sch. 4 para. 24 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XIX

25 ..... F9

Textual Amendments
F9 Sch. 4 para. 25 repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. II

26 ..... F10

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**Textual Amendments**

**F10** Sch. 4 paras. 26, 28, 29 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

27 The reference to the Postmaster General in section 79(3) of the <sup>M4</sup>Land Registration Act 1925 (return to the Chief Land Registrar of letters marked outside “Her Majesty’s Land Registry” and addressed to persons who cannot be found) shall, as from the appointed day, be construed as referring to the authority.

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

**C2** The text of Sch. 4 paras. 27, 30, 33, 54, 55, 56, 73, Sch. 5 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M4** 1925 c. 21.

28, 29. . . . . **F11**

**Textual Amendments**

**F11** Sch. 4 paras. 26, 28, 29 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

30 As from the appointed day, section 2(2)(e) of the <sup>M5</sup>Execution of Diligence (Scotland) Act 1926 (execution of arrestment or charge by registered letter) shall have effect as if, for the words from “Postmaster” to “1908”, there were substituted the words “Post Office in pursuance of any provision contained in a scheme made under section 28 of the Post Office Act 1969”.

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

**C3** The text of Sch. 4 paras. 27, 30, 33, 54, 55, 56, 73, Sch. 5 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M5** 1926 c. 16.

31 . . . . . **F12**

**Textual Amendments**

**F12** Sch. 4 para. 31 repealed by Consumer Credit Act 1974 (c. 39, SIF 60), s. 192, Sch. 5 Pt. I

32 . . . . . **F13**

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### Textual Amendments

**F13** Sch. 4 para. 32 repealed by Land Drainage Act 1976 (c. 70), Sch. 8

- 33 (1) As from the appointed day, references to the Postmaster General in subsections (1) and (2) of section 2 of the <sup>M6</sup>Motor Vehicles and Road Traffic Act (Northern Ireland) 1930 (conveyance of mails by public service vehicles) shall be construed as referring to the authority.
- (2) As from the appointed day, references to an officer of the Post Office in the said subsection (1) shall be construed as referring to a person engaged in the business of the authority.

### Modifications etc. (not altering text)

**C4** The text of Sch. 4 paras. 27, 30, 33, 54, 55, 56, 73, Sch. 5 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M6** 1930 c. 24(N.I.).

34 ..... **F14**

### Textual Amendments

**F14** Sch. 4 para. 34 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

35 ..... **F15**

### Textual Amendments

**F15** Sch. 4 para. 35 repealed by Solicitors (Northern Ireland) Order 1976 and S.I. 1976/582 (N.I. 12), Sch. 3

- 36 (1) As from the appointed day, the authority shall be deemed to be public utility undertakers and its undertaking a public utility undertaking for the purposes of the provisions of the <sup>M7</sup>Civil Defence Act 1939, <sup>F16</sup>
- (2) As from the appointed day, in the <sup>M8</sup>said Act of 1939 the expression “the appropriate department” shall, in relation to the authority, mean the Minister.

### Textual Amendments

**F16** Words repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. V

### Marginal Citations

**M7** 1939 c. 31.

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**M8** 1939 c. 31.

37 ..... **F17**

**Textual Amendments**  
**F17** Sch. 4 para. 37 repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), Sch. 23

38 ..... **F18**

**Textual Amendments**  
**F18** Sch. 4 paras. 38, 45 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

39, 40. .... **F19**

**Textual Amendments**  
**F19** Sch. 4 paras. 34, 39, 40, 43 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

41 As from the appointed day, references to Post Office business in proviso (ii) to section 19 (Sunday employment) and in section 33 (application to Post Office business) of the <sup>M9</sup>Shops Act (Northern Ireland) 1946 shall be construed as referring to business of any of the kinds that the authority carry on.

**Marginal Citations**  
**M9** 1946 c. 7 (N.I.)

42 ..... **F20**

**Textual Amendments**  
**F20** Sch. 4 para. 42 repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), Sch. 23

43 ..... **F21**

**Textual Amendments**  
**F21** Sch. 4 paras. 34, 39, 40, 43 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

44 ..... **F22**

**Textual Amendments**  
**F22** Sch. 4 para. 44 repealed by S.I. 1980/1085 (N.I. 11), Sch. 9

45 ..... **F23**

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Textual Amendments

F23 Sch. 4 paras. 38, 45 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

46 ..... F24

Textual Amendments

F24 Sch. 4 para. 46 repealed by Civil Aviation Act 1982 (c. 16), s. 109(3), Sch. 16

47 ..... F25

Textual Amendments

F25 Sch. 4 para. 47 repealed by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 9 Pt. II

48 ..... F26

Textual Amendments

F26 Sch. 4 para. 48 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

49 ..... F27

Textual Amendments

F27 Sch. 4 para. 49 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. VII

50 ..... F28

Textual Amendments

F28 Sch. 4 para. 50 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XIX

51 As from the appointed day, references to post office business in the following provisions of the <sup>M10</sup>Shops Act 1950, namely, section 22 (Sunday employment), section 44 (exemptions for post office business), Schedule 2 (transactions not affected by general closing hours or by closing orders) [<sup>F29</sup>and Schedule 5 (transactions for the purposes of which a shop may be open in & England and Wales for the serving of customers on Sunday)] shall be construed as referring to business of any of the kinds that the authority carry on.

Textual Amendments

F29 Words in Sch. 4 para. 51 repealed (E.W.)(26.8.1994) by 1994 c. 20, s. 9(2), Sch. 5

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**Marginal Citations**

**M10** 1950 c. 28.

52 ..... **F30**

**Textual Amendments**

**F30** Sch. 4 para. 52 repealed by Drainage (Northern Ireland) Order 1973 and S.I. 1973/69 (N.I. 1), **Sch. 10**

53 ..... **F31**

**Textual Amendments**

**F31** Sch. 4 para. 53 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I** and expressed to be repealed by Cable and Broadcasting Act 1984 (c. 46, SIF 96), **Sch. 6**

54 As from the appointed day, references in section 6 of the <sup>M11</sup>Local Government (Miscellaneous Provisions) Act 1953 (supplementary provisions as to omnibus shelters, &c.) to the Postmaster General shall be construed as referring to the authority.

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

**C5** The text of Sch. 4 paras. 27, 30, 33, 54, 55, 56, 73, Sch. 5 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M11** 1953 c. 26.

55 As from the appointed day, the reference to the Post Office in section 12(3)(b) of the <sup>M12</sup>Criminal Justice Act (Northern Ireland) 1953 (evidence by certificate) shall be construed as including a reference to the authority.

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

**C6** The text of Sch. 4 paras. 27, 30, 33, 54, 55, 56, 73, Sch. 5 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M12** 1953 c. 14 (N.I.).

56 As from the appointed day, the reference to the Post Office in section 7(5) of the <sup>M13</sup>Juries Act (Northern Ireland) 1953 (service of jurors' summonses) shall be construed as referring to the authority.

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

- C7** The text of Sch. 4 paras. 27, 30, 33, 54, 55, 56, 73, Sch. 5 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M13** 1953 c. 19 (N.I.).

57 ..... **F32**

#### Textual Amendments

- F32** Sch. 4 para. 57 repealed by Solicitors (Amendment) Act 1974 (c. 26), **Sch. 3 Pt. II**

58 ..... **F33**

#### Textual Amendments

- F33** Sch. 4 paras. 58, 61 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

- 59 (1) Where any work proposed to be done on or after the appointed day by [<sup>F34</sup>the Northern Ireland Housing Executive] in pursuance of a clearance or demolition order or a re-development scheme made by them under [<sup>F35</sup>the <sup>M14</sup>Housing (Northern Ireland) Order 1981] involves, or is likely to involve, an alteration in a telegraphic line belonging to, or used by, the authority, paragraphs (1) to (8) of section 7 of the <sup>M15</sup>Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to [<sup>F34</sup>the Northern Ireland Housing Executive].
- (2) Where, in pursuance of an order under section 22 of the Housing of the <sup>M16</sup>Working Classes Act 1890, section 14 of the <sup>M17</sup>Housing Act (Northern Ireland) 1961, [<sup>F36</sup>Article 51 of the Housing (Northern Ireland) Order 1981] or section 25 of the <sup>M18</sup>New Towns Act (Northern Ireland) 1965, that comes into operation on or after the appointed day, a public right of way over land is extinguished and, immediately before the day on which the order comes into operation, there is under, in, on, over, along or across the land a telegraphic line of the authority's, the authority shall have the same powers in respect of the line as if the order had not come into operation; but, if a person entitled to land over which the right of way subsisted requires that the line should be altered, paragraphs (1) to (8) of the said section 7 shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person by whom the alteration is required.
- (3) In this paragraph <sup>F37</sup>“telegraphic line” and “alteration” have the same meanings as in the <sup>M19</sup>Telegraph Act 1878.

#### Textual Amendments

- F34** Words substituted by virtue of S.R. & O. (N.I.) 1973/256, art. 3, Sch. 2



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- F35** Words substituted by [S.I. 1981/156 \(N.I.3\)](#), [Sch. 11 Pt. II](#)
- F36** Words inserted by [S.I. 1981/156 \(N.I.3\)](#), [Sch. 11 Pt. II](#)
- F37** Words repealed by [S.R. & O. \(N.I.\) 1973/256](#), art. 3, Sch. 2

**Marginal Citations**

- M14** [S.I. 1981/156 \(N.I.3\)](#).
- M15** 1878 c. 76.
- M16** 1890 c. 70.
- M17** 1961 c. 12 (N.I.)
- M18** 1965 c. 13 (N.I.)
- M19** 1878 c. 76.

60 ..... **F38**

**Textual Amendments**

- F38** [Sch. 4 para. 60](#) repealed by [S.I. 1973/69 \(N.I. 1\)](#), [Sch. 10](#)

61 ..... **F39**

**Textual Amendments**

- F39** [Sch. 4 paras. 58, 61](#) repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. I](#)

62—64. .... **F40**

**Textual Amendments**

- F40** [Sch. 4 paras. 62–64](#) repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. I](#)

65 ..... **F41**

**Textual Amendments**

- F41** [Sch. 4 para. 65](#) repealed by [Highways Act 1980 \(c. 66\)](#), [Sch. 25](#)

66 ..... **F42**

**Textual Amendments**

- F42** [Sch. 4 para. 66](#) repealed by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), [Sch. 4 Pt. I](#)

[<sup>F43</sup>67 As from the appointed day, section 7(1) of the <sup>M20</sup>Payment of Wages Act 1960 (interpretation) shall have effect as if, for the definitions of “money order” and “postal order”, there were substituted the following definitions:—

““money order” means a money order issued by the Postmaster General or the Post Office and “postal order” means a postal order so issued”.]

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#### Textual Amendments

**F43** Sch. 4 para. 67 repealed (E.W.S.) by Wages Act 1986 (c. 48, SIF 43:2), s. 33(5), **Sch. 5 Pt. III**

#### Marginal Citations

**M20** 1960 c. 37.

68 ..... F44

#### Textual Amendments

**F44** Sch. 4 paras. 68, 72 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

69 ..... F45

#### Textual Amendments

**F45** Sch. 4 para. 69 repealed by Highways Act 1980 (c. 66), **Sch. 25**

70 As from the appointed day, Schedule 4 to the <sup>M21</sup>Public Health Act 1961 (which specifies, in relation to buildings of certain descriptions, the persons who are to be appropriate authorities for the purposes of the provisions of that Act relating to the attachment of street lights to buildings) shall have effect as if the following were added at the end thereof:—

“A building owned by the Post Office      The Minister of Posts and  
Telecommunications”.

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

**C8** The text of Sch. 4 paras. 27, 30, 33, 54, 55, 56, 73, Sch. 5 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M21** 1961 c. 64.

71 ..... F46

#### Textual Amendments

**F46** Sch. 4 para. 71 repealed by Town and Country Planning Act 1971 (c. 78), s. 292(2), **Sch. 25**

72 ..... F47

#### Textual Amendments

**F47** Sch. 4 paras. 68, 72 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

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73 As from the appointed day, the references to the Postmaster General in section 53 of the <sup>M22</sup>Electoral Law Act (Northern Ireland) 1962 (transmission of election addresses) shall be construed as referring to the authority.

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

**C9** The text of Sch. 4 paras. 27, 30, 33, 54, 55, 56, 73, Sch. 5 para. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M22** 1962 c. 14 (N.I.).

74 ..... **F48**

**Textual Amendments**

**F48** Sch. 4 para. 74 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

75 ..... **F49**

**Textual Amendments**

**F49** Sch. 4 para. 75 repealed by S.I.1980/1085 (N.I. 11), **Sch. 9**

76 ..... **F50**

**Textual Amendments**

**F50** Sch. 4 para. 76 repealed by Airports Authority Act 1975 (c. 78), **Sch. 6**

[<sup>F51</sup>77 As from the appointed day, the reference in section 1(4) of the <sup>M23</sup>Criminal Evidence Act 1965 to the Post Office shall be construed as including a reference to the authority.]

**Textual Amendments**

**F51** Sch. 4 para. 77 repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), **Sch. 7 Pt. III**

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

**C10** The text of Sch. 4 paras. 77, 80 and 82 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M23** 1965 c. 20

78 ..... **F52**

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Textual Amendments

F52 Sch. 4 para. 78 repealed by British Telecommunications Act 1981 (c. 38), Sch. 6 Pt. II and New Towns Act 1981 (c. 64), s. 81, Sch. 13

79 ..... F53

Textual Amendments

F53 Sch. 4 para. 79 repealed by British Telecommunications Act 1981 (c. 38), Sch. 6 Pt. II

[F5480 As from the appointed day, the Schedule to the M24Building Control Act 1966 (which specifies bodies in the case of which work carried out by them is exempt from control under that Act) shall have effect as if, at the end thereof, there were added a reference to the authority.]

Textual Amendments

F54 Sch. 4 para. 80 repealed (E.W.) by Housing and Building Control Act 1984 (c. 29, SIF 61), Sch. 12 Pt. I

Modifications etc. (not altering text)

C11 The text of Sch. 4 paras. 77, 80 and 82 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M24 1966 c. 27.

81 ..... F55

Textual Amendments

F55 Sch. 4 para. 81 repealed by British Telecommunications Act 1981 (c. 38), Sch. 6 Pt. I

F5682 .....

Textual Amendments

F56 Sch. 4 para. 82 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. IX Gp. 2.

83 (1) ..... F57

(3) In the proviso to section [F58[F59]33(4) of the M25Housing (Scotland) Act 1974][F59]paragraph 9(4) of Schedule 8 to the Housing (Scotland) Act 1987], the expression “apparatus” shall, in relation to the authority, be construed generally and shall not be limited by the definition thereof in section 208(1) of [F60the M26Housing (Scotland) Act 1966]

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(4) ..... F61

**Textual Amendments**

- F57 Sch. 4 para. 83(1)(2) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**
- F58 Words substituted by Housing (Scotland) Act 1974 (c. 45), **Sch. 3 para. 33(c)**
- F59 Words commencing “paragraph 9(4)” substituted (S.) for words commencing “33(4)” by Housing (Scotland) Act 1987 (c. 26, SIF 61), s. 339, **Sch. 23 para. 15(c)**
- F60 Words substituted by Housing (Scotland) Act 1969 (c. 34), **Sch. 6 para. 48(c)**
- F61 Sch. 4 para. 83(4) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

**Marginal Citations**

- M25 1974 c. 45.
- M26 1966 c. 49.

84 As from the appointed day, paragraph 45(e) of Schedule 4 to the <sup>M27</sup>Land Commission Act 1967 shall have effect as if the reference to expenditure which has been or is to be met directly or indirectly by a government department did not include expenditure incurred by the Postmaster General in relation to land in the case of which an interest therein vests in the Post Office by virtue of section 16 of this Act.

**Marginal Citations**

- M27 1967 c. 1.

85 ..... F62

**Textual Amendments**

- F62 Sch. 4 paras. 85, 86 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

86 ..... F63

**Textual Amendments**

- F63 Sch. 4 para. 86 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

87 ..... F64

**Textual Amendments**

- F64 Sch. 4 para. 87 repealed by British Telecommunications Act 1981 (c. 38), **Sch. 6 Pt. I**

88 ..... F65

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**Textual Amendments**

**F65** Sch. 4 para. 88 repealed by Transport Act 1980 (c. 34), Sch. 9 Pt. II

89 ..... **F66**

**Textual Amendments**

**F66** Sch. 4 para. 89 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I

90 As from the appointed day, the authority shall be deemed to be a public utility undertaking for the purposes of section 1 of the <sup>M28</sup>Local Government and Roads Act (Northern Ireland) 1968.

**Marginal Citations**

**M28** 1968 c. 30 (N.I.)

<sup>F67</sup>91 .....

**Textual Amendments**

**F67** Sch. 4 para. 91 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XV Gp. 1

- 92 (1) As from the appointed day, [<sup>F68</sup>section 212(1) of the <sup>M29</sup>Town and Country Planning (Scotland) Act 1972] shall, in relation to the authority, have effect with the substitution, for the reference to [<sup>F68</sup>section 211 of that Act], of a reference to paragraph 93(4) below.
- (2) [<sup>F68</sup>The said section 212] shall not apply to land in the case of which an interest therein of the Postmaster General vests in the authority by virtue of section 16 of this Act.
- (3) ..... **F69**

**Textual Amendments**

**F68** Words substituted by Town and Country Planning (Scotland) Act 1972 (c. 52), Sch. 21 Pt. II  
**F69** Sch. 4 para. 92(3) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), s. 277(2), Sch. 23

**Marginal Citations**

**M29** 1972 c. 52.

- 93 (1) The authority shall be deemed to be statutory undertakers and its undertaking a statutory undertaking for the purposes of the following enactments, namely,—
  - (i) <sup>F70</sup> .....
  - (v) the <sup>M30</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

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- (vi) <sup>F71</sup> .....
- (vii) section 4 of the <sup>M31</sup>Requisitioned Land and War Works Act 1948;
- [<sup>F72</sup>(viii) the <sup>M32</sup>Roads Act (Northern Ireland) 1948, as applied by any statutory provision passed or made before the commencement of the <sup>M33</sup>Roads (Northern Ireland) Order 1980]
- (ix) <sup>F73</sup> .....
- (x) the National Parks and Access to the <sup>M34</sup>Countryside Act 1949;
  - (xi) the <sup>M35</sup>Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951;
  - (xii) the <sup>M36</sup>Landlord and Tenant Act 1954;
  - (xiii) <sup>F74</sup> .....
  - (xiv) section 39(6)(b) of the <sup>M37</sup>Opencast Coal Act 1958;
  - (xv) <sup>F75</sup> .....
  - (xvii) section 11 of the <sup>M38</sup>Land Compensation Act 1961;
  - (xviii) section 3(4) of the <sup>M39</sup>Flood Prevention (Scotland) Act 1961;
  - (xix) <sup>F76</sup> .....
  - (xx) the <sup>M40</sup>Pipe-lines Act 1962;
  - (xxi) section 18 of the <sup>M41</sup>Land Compensation (Scotland) Act 1963;
  - (xxii) Schedules 3 <sup>F77</sup> to the <sup>M42</sup>Harbours Act 1964;
  - (xxiii) Schedule 6 to the <sup>M43</sup>Gas Act 1965;
  - [<sup>F78</sup>(xxiv) section 10(4) of the Highlands and Islands Development (Scotland) Act 1965;]
  - (xxv) the [<sup>F79</sup>New Towns Act 1981]
  - (xxvi) sections 14(2), 15(2), 35(3), 58 and 89(6) of the <sup>M44</sup>Land Commission Act 1967;
  - (xxvii) sections 11(5)(f), 54(6) and 75(4) of, and Schedule 3 to, the <sup>M45</sup>Countryside (Scotland) Act 1967;
  - (xxviii) the <sup>M46</sup>New Towns (Scotland) Act 1968;
  - (xxix) <sup>F80</sup> .....
  - (xxx) section 22 of the <sup>M47</sup>Sewerage (Scotland) Act 1968;
  - (xxxi) <sup>F81</sup> .....
  - (xxxii) <sup>F82</sup> .....
  - (xxxiii) <sup>F83</sup> .....
  - [<sup>F84</sup>(xxxiv) sections 19, 37, 45, 46, 108(2), 117, 118, 119, 138, 154(3), 170, 171, 172, 175, 181, 195(6), 199(2), 202(3), 205, [<sup>F85</sup>205A] 212, 214 to 230, 233(7), 242 and 266(6)(b) of, and Schedules 8 and 9, paragraphs 1 to 3 of Schedule 17, and Schedule 18 to, the <sup>M48</sup>Town and Country Planning (Scotland) Act 1972]
  - [<sup>F86</sup>(xxxv) Section 9 of the Enterprise and New Towns (Scotland) Act 1990.]

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[<sup>F87</sup>Subject to this exception, namely, that in relation to Scotland it shall not be so deemed for the purposes of section 271 of the Town and Country Planning Act 1990, as applied by section 13 of the Opencast Coal Act 1958].

(2) In the following enactments, namely,—

- (a) <sup>F88</sup> .....
- (b) <sup>F89</sup> .....
- (c) the <sup>M49</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
- (d) <sup>F90</sup> .....
- (e) <sup>F91</sup> .....
- (f) <sup>F92</sup> .....
- (g) <sup>F93</sup> .....
- (h) <sup>F94</sup> .....
- (j) the <sup>M50</sup>Pipe-lines Act 1962;
- (k) Schedules 3 <sup>F77</sup> to the <sup>M51</sup>Harbours Act 1964;
- (l) <sup>F95</sup> .....
- (q) <sup>F96</sup> .....
- (r) <sup>F97</sup> .....
- (s)

<sup>F98</sup>“the appropriate Minister” shall, in relation to the authority, mean the Minister.

(3) The <sup>M52</sup>Land Commission Act 1967 shall have effect as if, in subsection (3) of section 58 thereof in its application to the authority, for the words from “the Minister who” to the end of the subsection, and in subsection (6) of section 89 thereof, in its application to the authority, for the words from “the appropriate Minister” to the end of the subsection, there were substituted the words “the Minister of Posts and Telecommunications”.

(4) In the following enactments, namely,—

- (a) <sup>F99</sup> .....
- (b) <sup>F100</sup> .....
- (c) <sup>F101</sup> .....
- (d) section 13 of the <sup>M53</sup>Pipe-lines Act 1962;
- (e) the [<sup>F79</sup>New Towns Act 1981]
- (f) section 58 of the <sup>M54</sup>Land Commission Act 1967;
- (g) the <sup>M55</sup>New Towns (Scotland) Act 1968;
- (h) <sup>F101</sup>(i) .....  
<sup>F102</sup>
- (j) ..... <sup>F103</sup>
- [<sup>F104</sup>(k) sections 138 (3), 154(3) and 214 to 230 of, a <sup>F102</sup>nd Schedule 8 to, the <sup>M56</sup>Town and Country Planning (Scotland) Act 1972];



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“operational land” shall, in relation to the authority, mean land of its of any such class as may be specified in regulations made jointly by the Minister and the Minister of Housing and Local Government by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament); and—act checked this far

- (i) the definition of a class of land for the purposes of regulations made under this sub-paragraph may be framed by reference to any circumstances whatsoever; and
- (ii) if any question arises whether land of the authority’s falls within a class specified in regulations so made, it shall be determined by the Minister.

In the application of this sub-paragraph to Scotland, for the reference to the Minister of Housing and Local Government there shall be substituted a reference to the Secretary of State.

- (5) This paragraph shall come into operation on the appointed day.

#### Textual Amendments

- F70** Para 93(1)(i)(ii) repealed by British Telecommunications Act 1981 (c. 38), **Sch. 6 Pt. I**; para. 93(1)(iii) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**; para. 93(1)(iv) repealed (E.W.) by Acquisition of Land Act 1981 (c. 67), **Sch. 6 Pt. I**
- F71** Para. 93(1)(vi) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F72** Para. 93(1)(viii) substituted by British Telecommunications Act 1981 (c. 38), **Sch. 3 para. 51(11)**
- F73** Para. 93(1)(ix) repealed by Civil Aviation Act 1982 (c. 16), s. 109(3), **Sch. 16**
- F74** Para. 93(1)(xiii) repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. XIX**
- F75** Para. 93(1)(xv) repealed by Highways Act 1980 (c. 66), **Sch. 25**; para. 93(1)(xvi) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F76** Para. 93(1)(xix) repealed by Town and Country Planning Act 1971 (c. 78), **Sch. 23 Pt. II**
- F77** Words repealed by Transport Act 1981 (c. 56), **Sch. 12 Pt. II**
- F78** Sch. 4 para. 93(1)(xxiv) repealed (E.W.S.) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(2), **Sch. 5 Pt. III**
- F79** Words substituted by New Towns Act 1981 (c. 64), **Sch. 12 para. 5**
- F80** Para. 93(1)(xxix) repealed by British Telecommunications Act 1981 (c. 38), **Sch. 6 Pt. II**
- F81** Para. 93(1)(xxxi) repealed by Town and Country Planning Act 1971 (c. 78), **Sch. 23 Pt. II**
- F82** Para. 93(1)(xxxii) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F83** Sch. 4 para. 93(1)(xxxiii) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F84** Para. 93(1)(xxxiv) inserted by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F85** Words inserted by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), **Sch. 3 para. 13**
- F86** Sch. 4 para. 93(1)(xxxv) added (E.W.S.) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(1), **Sch. 4 para. 3**
- F87** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 24(2)**
- F88** Para. 93(2)(a) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F89** Para. 93(2)(b) (specifying Acquisition of Land (Authorisation Procedure) Act 1946) repealed by virtue of Acquisition of Land Act 1981 (c. 67), **Sch. 6 Pt. I** (expressed as repealing sub-para. (2)(iv) in para. 93)
- F90** Para. 93(2)(d) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F91** Para. 93(2)(e) repealed by Civil Aviation Act 1982 (c. 16), s. 109(3), **Sch. 16**
- F92** Para. 93(2)(f) repealed by S.I. 1976/1775, art. 6(2), **Sch. 4**

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- F93** Para. 93(2)(g) repealed by Highway Act 1971 (c. 41), s. 86(2), **Sch. 12**
- F94** Para. 93(2)(h) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F95** Paras. 93(2)(l)–(p) repealed by S.I. 1976/1775, art. 6(2), **Sch. 4**
- F96** Para. 93(2)(q) repealed by Town and Country Planning Act 1971 (c. 78), **Sch. 23 Pt. II**
- F97** Para. 93(2)(r) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F98** Para. 93(2)(s)(t) repealed by S.I. 1976/1775, art. 6(2), **Sch. 4**
- F99** Para. 93(4)(a) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F100** Para. 93(4)(b) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F101** Para. 93(4)(c)(h) repealed by Town and Country Planning Act 1971 (c. 78), **Sch. 23 Pt. II**
- F102** Para. 93(4)(i) repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F103** Sch. 4 para. 93(4)(j) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F104** Para. 93(4)(k) inserted by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**

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

- C12** Functions of Minister of Housing and Local Government now exercisable by Secretary of State: S.I. 1970/1681, **art. 2**

#### **Marginal Citations**

- M30** 1947 c. 42.
- M31** 1948 c. 17.
- M32** 1948 c. 28 (N.I.)
- M33** S.I. 1980/1085. (N.I.11)
- M34** 1949 c. 97.
- M35** 1951 c. 65.
- M36** 1954 c. 56.
- M37** 1958 c. 69.
- M38** 1961 c. 33.
- M39** 1961 c. 41.
- M40** 1962 c. 58.
- M41** 1963 c. 51.
- M42** 1964 c. 40.
- M43** 1965 c. 36.
- M44** 1967 c. 1.
- M45** 1967 c. 86.
- M46** 1968 c. 16.
- M47** 1968 c. 47.
- M48** 1972 c. 52.
- M49** 1947 c. 42.
- M50** 1962 c. 58.
- M51** 1964 c. 40.
- M52** 1967 c. 1.
- M53** 1962 c. 58.
- M54** 1967 c. 1.
- M55** 1968 c. 16.
- M56** 1972 c. 52.

#### **Textual Amendments**

- F105** Sch. 4 para. 94 repealed by British Telecommunications Act 1981 (c. 38), **Sch. 6 Pt. I**

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