

Status: Point in time view as at 29/12/2003.

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, SCHEDULE 8. (See end of Document for details)

SCHEDULES

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

II 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

I2 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

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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

I3 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](#))

- 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

I4 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.

Status: Point in time view as at 29/12/2003.

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, SCHEDULE 8. (See end of Document for details)

- (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.
- (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

I5 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),

Status: Point in time view as at 29/12/2003.

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, SCHEDULE 8. (See end of Document for details)

- (d) references to any thing sent by registered post or the recorded delivery service shall be construed accordingly.

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

- 16** 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

- 17** 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)—

Status: Point in time view as at 29/12/2003.

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, SCHEDULE 8. (See end of Document for details)

- (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 ”,
- (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

- 18** 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

- 19** 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.

Status: Point in time view as at 29/12/2003.

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, SCHEDULE 8. (See end of Document for details)

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

Commencement Information

I10 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

I11 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.

Status: Point in time view as at 29/12/2003.

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, SCHEDULE 8. (See end of Document for details)

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

Commencement Information

I12 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)

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- (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

I13 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)

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- 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

I14 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](#))

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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) ”.

Commencement Information

I15 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

I16 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

I17 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](#))

Status: Point in time view as at 29/12/2003.

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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—

- (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

I18 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

I19 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.”

Status: Point in time view as at 29/12/2003.

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Commencement Information

I20 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](#))

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.

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Point in time view as at 29/12/2003.

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