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## SCHEDULES

### SCHEDULE 2

#### MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS

##### PART I

###### *Amendments of Post Office Act 1953*

- 1 The Post Office Act 1953 shall have effect subject to the amendments provided for by this Part of this Schedule (and, except in so far as the contrary intention appears, those amendments have effect throughout the British postal area).
- 2 Sections 22 and 23 shall be amended by substituting for the word " felony " in section 22(1) and section 23(2) the words " a misdemeanour ", and by omitting the words " of this Act and " in section 23(1).
- 3 In section 52, as it applies outside England and Wales, for the words from " be guilty " onwards there shall be substituted the words " be guilty of a misdemeanour and be liable to imprisonment for a term not exceeding ten years ".
- 4 In section 53 for the words from "be guilty" onwards there shall be substituted the words " be guilty of a misdemeanour and be liable to imprisonment for a term not exceeding five years ".
- 5 In section 54, as it applies outside England and Wales.—
  - (a) there shall be omitted the words " taking, embezzling ", and the words " taken, embezzled ", where first occurring ;
  - (b) for the words " a felony " there shall be substituted the words " an offence " and the word " feloniously " shall be omitted ;
  - (c) for the words from " be guilty " to " secreted it " there shall be substituted the words " be guilty of a misdemeanour and be liable to imprisonment for a term not exceeding fourteen years ".
- 6 In sections 55 and 58(1), after the word " imprisonment ", there shall in each case be inserted the words " for a term not exceeding two years ".
- 7 In section 57—
  - (a) there shall be omitted the words " steals, or for any purpose whatever embezzles, " and the words from " or if " onwards ;
  - (b) for the word " felony " there shall be substituted the words " a misdemeanour ".
- 8 After section 65 there shall be inserted as a new section 65A—

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**“65A Fraudulent use of public telephone or telex system.**

If any person dishonestly uses a public telephone or telex system with intent to avoid payment (including any such system provided, under licence, otherwise than by the Postmaster General), he shall be guilty of a misdemeanour and be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both, or on conviction on indictment to imprisonment for a term not exceeding two years.”

9 Section 69(2) shall be omitted.

10 For section 70 there shall be substituted the following section—

**“70 Prosecution of certain offences in any jurisdiction of British postal area.**

(1) Where a person—

- (a) steals or attempts to steal any mail bag or postal packet in the course of transmission as such between places in different jurisdictions in the British postal area, 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 ;

then, in whichever of those jurisdictions he does so, he shall by virtue of this section be guilty in each of the jurisdictions in which this subsection has effect of committing or attempting to commit the offence against section 52 of this Act, or the offence referred to in paragraph (b) of this subsection, as the case may be, as if he had done so in that jurisdiction, and he shall accordingly be liable to be prosecuted, tried and punished in that jurisdiction without proof that the offence was committed there.

(2) In subsection (1) above the reference to different jurisdictions in the British postal area is to be construed as referring to the several jurisdictions of England and Wales, of Scotland, of Northern Ireland, of the Isle of Man, and of the Channel Islands ; and that subsection shall have effect in each of those jurisdictions except England and Wales.”

11 In section 72 there shall be added as a new subsection (3)—

“ (3) In any proceedings in England or Wales for an offence under section 53, 55, 56, 57 or 58 of this Act, section 27(4) of the Theft Act 1968 shall apply as it is expressed to apply to proceedings for the theft of anything in the course of transmission by post; and in the case of proceedings under section 53 of this Act a statutory declaration made by any person that a vessel, vehicle or aircraft was at any time employed by or under the Post Office for the transmission of postal packets under contract shall be admissible as evidence of the facts stated in the declaration subject to the same conditions as under section 27(4)(a) and (b) of the Theft Act 1968 apply to declarations admissible under section 27(4)”.

12 In section 87(1), the definition of " valuable security " shall be omitted but, except in relation to England and Wales, there shall be substituted:—

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“ valuable security ' means any document creating, transferring, surrendering or releasing any right to, in or over property, or authorising the payment of money or delivery of any property, or evidencing the creation, transfer, surrender or release of any such right, or the payment of money or delivery of any property, or the satisfaction of any obligation.”