



# Post Office Act 1969

## 1969 CHAPTER 48

### PART III

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

##### *The Post Office*

#### **6 The Post Office**

- (1) There shall be established a public authority, to be called the Post Office, which shall have such powers and duties as are conferred and imposed on it by, or by virtue of, the following provisions of this Act; so, however, that, until the appointed day, the purpose for which its powers are exercised shall be restricted to the preparation for the assumption by it of functions theretofore discharged by the Postmaster General.
- (2) The Post Office shall consist of a chairman and, to a number not exceeding twelve nor falling short of—
  - (a) three, as regards the period beginning with the day on which this Act is passed and ending with the day immediately preceding the appointed day; and
  - (b) six, after the expiration of that period,of other members, whether part-time or full-time.
- (3) The chairman of the Post Office shall be appointed by the Minister, and the other members of the Post Office shall be appointed by the Minister after consultation with the chairman.
- (4) Schedule 1 to this Act shall have effect as respects the Post Office and the members thereof.
- (5) It is hereby declared that the Post Office is not to be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown, or (subject to the express provisions of this Act relating to stamp duty) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as property of, or property held on behalf of, the Crown.

### *Powers and Duties of the Post Office*

#### **7 Powers of the Post Office**

- (1) The Post Office shall have power—
- (a) to provide postal services (including cash on delivery services) and telecommunication services ;
  - (b) to provide a banking service of the kind commonly known as a giro system and such other services by means of which money may be remitted (whether by means of money orders, postal orders or otherwise) as it thinks fit;
  - (c) to provide data processing services ; and
  - (d) to perform services for Her Majesty's Government in the United Kingdom, Her Majesty's Government in Northern Ireland or the government of a country or territory outside the United Kingdom or for local or national health service authorities in the United Kingdom.
- (2) The Post Office shall have power, for the purpose of securing the effective exercise of any of the powers conferred on it by the foregoing subsection, or in connection with or in consequence of an exercise thereof, to do anything that appears to the Post Office to be requisite, advantageous or convenient for it to do, including in particular (but without prejudice to the generality of the foregoing words) power—
- (a) to construct, manufacture, produce, purchase, take on hire or hire-purchase, install, maintain and repair anything required for the purposes of its business or of the business of a subsidiary of its;
  - (b) to construct, manufacture, produce or purchase for supply to others any articles of a kind similar to any so required and to install, maintain, repair and test for others articles of such a kind ;
  - (c) to provide others with the services of persons employed by it for the purpose of undertaking for them tasks of a kind which, in the course of the provision or performance by it of any service falling within the foregoing subsection, are undertaken by persons so employed;
  - (d) to provide, for the benefit of others, consultancy and advisory services concerning anything that it does in exercise of its powers or has power to do and facilities for the training of persons for any purpose connected with anything that it so does or has power to do;
  - (e) to enter into and carry out agreements with any person for the carrying on by him, whether as its agent or otherwise, of any of the activities which itself may carry on or for the carrying on jointly by him and it of any of those activities;
  - (f) to acquire land which is required by it for, or in connection with, the exercise of its powers or as to which it can reasonably be foreseen that it will be so required ;
  - (g) to dispose (whether absolutely or for a term of years) of any part of its undertaking or any property which in its opinion is not required by it for or in connection with the exercise of its powers, and, in particular, to dispose of an interest in, or right over, any property which, subject to the interest or right, is retained by it;
  - (h) for the purposes of its business, to subscribe for or acquire any securities of an incorporated company or other body corporate, to procure its admission to membership of an incorporated company limited by guarantee and not having a share capital, to promote the formation of an incorporated company

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or participate in the promotion of such a company or to acquire an undertaking or part of an undertaking;

- (i) to give or lend money to, or give a guarantee for the benefit of, any person with whom it has entered into an agreement by virtue of paragraph (e) above for the purpose of enabling him to carry out the agreement and, for the purposes of its business, to give or lend money to, or give a guarantee for the benefit of, any other person for the purposes of an undertaking carried on by him or, where that person is a body corporate, an undertaking carried on by a subsidiary of its ;
- (j) to do anything for the purpose of advancing the skill of persons employed by it or that of persons who, though not so employed, are engaging themselves, or have it in contemplation to engage themselves, in work of a kind in the case of which it has or may have a direct or indirect concern in the products thereof;
- (k) to promote (either by prosecuting it itself or by its promoting it by others) research into matters which affect, or arise out of, the carrying on of its business, or other matters which, though not such as aforesaid, are such as to which it appears to it that advantage will or may accrue to it as a consequence of research's being prosecuted into them;
- (l) to promote the doing of such work as is requisite to enable there to be turned to account—
  - (i) the results of research (whether promoted by it or not) into matters affecting, or arising out of, the carrying on of its business ;
  - (ii) the results of research promoted by it into other matters;
- (m) to provide assistance (including financial assistance) to any institution or body whose activities (or any of them) are such as, in its opinion, to be of benefit to it;
- (n) to carry for hire or reward passengers in vehicles used by it for the purposes of its business ;
- (o) to enter into, and carry out, agreements with persons who carry on business as carriers of goods, for the carriage by it on their behalf of goods consigned to them for carriage by them ;
- (p) to provide houses, hostels and other like accommodation for persons engaged in its business ;
- (q) to make loans to persons employed by it (including, in particular, loans to assist them to acquire housing accommodation) and to guarantee loans made to persons so employed (including, in particular, loans made by building societies and other bodies for housing purposes);
- (r) to promote recreational activities for, and activities conducing to the welfare of, persons who are, or have been, engaged in its business or have been officers, servants or agents of the Postmaster General and the families of such persons- and to assist the promotion by others of such activities;

and may turn its resources to account so far as not required for the purposes of its business.

- (3) For the avoidance of doubt, it is hereby declared that the foregoing provisions of this section relate only to the capacity of the Post Office as a statutory corporation, and nothing in those provisions shall be construed as authorising the disregard by it of any enactment or rule of law.
- (4) The Post Office shall not be regarded as a common carrier in respect of any of its activities.

- (5) The provisions of this section shall not be construed as limiting any power of the Post Office conferred by or under any subsequent provision of this Act.
- (6) Nothing in this section shall be taken to confine the exercise of the powers thereby conferred on the Post Office to the British Islands.

## **8 Furnishing of overseas aid by the Post Office**

The Post Office shall have power—

- (a) to furnish any authority or person outside the United Kingdom with assistance (whether financial, technical or of any other nature) if, in its opinion, the consequences of doing so will enure for its benefit;
- (b) to enter into, and carry out, agreements with the Minister of Overseas Development whereunder it acts, at the expense of that Minister, as the instrument by means whereof technical assistance is furnished by him in exercise of the power conferred on him by section 1(1) of the Overseas Aid Act 1966.

## **9 General duty of the Post Office**

- (1) It shall be the duty of the Post Office (consistently with any directions given to it under the following provisions of this Part of this Act) so to exercise its powers as to meet the social, industrial and commercial needs of the British Islands in regard to matters that are subserved by those powers and, in particular, to provide throughout those Islands (save in so far as the provision thereof is, in its opinion, impracticable or not reasonably practicable) such services for the conveyance of letters and such telephone services as satisfy all reasonable demands for them.
- (2) In discharging the duty imposed on it by the foregoing subsection, the Post Office shall have regard—
  - (a) to the desirability of improving and developing its operating systems;
  - (b) to developments in the field of communications; and
  - (c) to efficiency and economy.
- (3) Subsection (1) above shall not be taken to preclude the Post Office from interrupting, suspending or restricting, in case of emergency, any service provided by it.
- (4) Nothing in this section shall be construed as imposing upon the Post Office, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

## **10 Power to promote and oppose Bills,**

The Post Office may, with the consent of the Minister, promote, and may, without any such consent, oppose, Bills in Parliament, Bills in the Parliament of Northern Ireland and orders under the Private Legislation Procedure (Scotland) Act 1936.

*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;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 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

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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.

### *The Post Office Users' Councils*

## **14 The Post Office Users' Councils**

- (1) There shall be established, in accordance with the provisions of this section.—
- (a) a users' council for the British Islands, to be called "the Post Office Users' National Council"; and
  - (b) a users' council for Scotland, to be called "the Post Office Users' Council for Scotland", a users' council for Wales and Monmouthshire, to be called "the Post Office Users' Council for Wales and Monmouthshire" and a users' council for Northern Ireland, to be called "the Post Office Users' Council for Northern Ireland";

and the Post Office Users' National Council is hereafter in this section referred to as "the National Council" and the councils mentioned in paragraph (b) above are so referred to as "Country Councils".

- (2) The National Council shall consist of—
- (a) a chairman appointed by the Minister;
  - (b) the chairmen of the Country Councils;
  - (c) such other members, not exceeding twenty-six, as the Minister may appoint after consultation with such bodies as appear to him to be representative of the interests of persons likely to be concerned with matters within the competence of the Council;
  - (d) such other members, not exceeding three, as the Minister may appoint without any such consultation;

and, in appointing members in pursuance of paragraph (c) above, the Minister shall have regard to the desirability of having members who are familiar with the special requirements and circumstances of particular parts of the British Islands.



- (3) Each of the Country Councils shall consist of a chairman appointed by the Minister and such other members, not exceeding twenty-four, as the Minister may appoint after consultation with the chairman and such bodies in the part of the United Kingdom for which the Council is to be or is established as appear to him to be representative of the interests of persons likely to be concerned with matters within the competence of the Council.
- (4) A person appointed to be a member of a council established under this section shall hold and vacate office in accordance with the terms of his appointment; but, notwithstanding anything in those terms, he may at any time resign his office by notice in writing to the Minister.
- (5) A person who has held office as a member of a council established under this section shall be eligible for reappointment.
- (6) The Minister and the Post Office may each refer to the National Council, for consideration and report, any matter relating to the services provided by the Post Office.
- (7) In the case of each of the Country Councils, the Minister and the Post Office may each refer to it for consideration and report a matter relating to services provided by the Post Office that affects persons in the part of the United Kingdom for which the Council is established (being persons for whom those services are provided), but does not affect others, but neither shall refer to it any other matter.
- (8) It shall be the duty of each of the Country Councils—
- (a) to consider—
    - (i) any matter relating to the services provided by the Post Office in the part of the United Kingdom for which the Council is established which is the subject of a representation (other than one appearing to the Council to be frivolous) made to the Council by, or on behalf of, a user in that part of the United Kingdom of those services; and
    - (ii) any matter relating to the services so provided in that part of the United Kingdom which appears to the Council to be one to which consideration ought to be given by it notwithstanding that no representation has been made to it with respect to it;and, if it is of opinion that action ought to be taken with respect to any such matter, to give to the Minister, the Post Office and the National Council notice of that fact (stating whether or not the matter was the subject of a representation made to the Council) and of the action which the Council thinks ought to be taken;
  - (b) to consider any matter which is referred to it under the last foregoing subsection and to report thereon to the Minister and the Post Office.
- (9) It shall be the duty of the National Council—
- (a) to consider—
    - (i) any matter relating to the services provided by the Post Office in the British Islands which is the subject of a representation (other than one appearing to the Council to be frivolous) made to the Council by or on behalf of a user of the services so provided in those Islands ; and
    - (ii) any matter relating to the services so provided in those Islands which appears to the Council to be one to which consideration ought to be

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given by it notwithstanding that no representation has been made to it with respect to it;

and, if it is of opinion that action ought to be taken with respect to any such matter, to give to the Minister and the Post Office notice of that fact (stating whether or not the matter was the subject of a representation made to the Council) and of the action which the Council thinks ought to be taken ;

- (b) to consider the subject-matter of a notice given to it in pursuance of subsection (8)(a) above by a Country Council and to transmit to the Minister, the Post Office and that Council its observations thereon ;
  - (c) to consider any matter referred to it under subsection (6) above and to report thereon to the Minister and the Post Office.
- (10) Where it falls to the National Council to consider a matter that affects persons in a part of the United Kingdom for which one of the Country Councils is established, being persons for whom services are provided by the Post Office, but does not affect persons elsewhere for whom services are so provided, it shall be the duty of the National Council to consult with that Country Council with respect to that matter.
- (11) Every council established under this section shall meet when convened by the chairman thereof, but not less frequently than twice a year; and, without prejudice to the discretion of the chairman to call a meeting whenever he thinks fit, he shall call a meeting when required to do so by any three members of the council.
- (12) Minutes shall be kept of the proceedings at each meeting of each of the councils established under this section but, subject to that, each of those councils may determine its own quorum and procedure.
- (13) It shall be the duty of each of the Country Councils to comply with a requisition made on it by the National Council for a copy of the minutes of a specified meeting of the Council.
- (14) Each of the councils established under this section shall, as respects each accounting year, make to the Minister a report on the exercise and performance by the council of its functions during that year and the Minister shall lay a copy of each such report before each House of Parliament.
- (15) Each of the councils established under this section shall be furnished by the Minister with such officers and staff as appear to him to be requisite for the proper discharge of its functions, and with such office accommodation and equipment, and such services, as appear to him to be so requisite.
- (16) The Minister may pay such allowances and remuneration to the chairman of the National Council and the officers and staff of any of the councils established under this section as he may determine and such allowances to the members of any of those councils (other than the chairman of the National Council) as he may determine; and may pay such expenses of any of those councils as he may determine.
- (17) The Minister may pay such allowances as he may determine to members of any body recognised by him, after consultation with the National Council, to be assisting the Council to ascertain the opinion of users of services provided by the Post Office in any part of the British Islands, and may pay such expenses of a body so recognised as he may determine ; but he shall not recognise a body to be assisting the National Council to ascertain the opinion of users of services so provided in any part of the United Kingdom for which one of the Country Councils is established except after consultation with that Council.

- (18) Notwithstanding section 1(3) of the Post Office Act 1961, any expenses incurred by the Postmaster General in the discharge, by virtue of section 2(6) of this Act, of the duty imposed by subsection (15) above or the exercise, by virtue of the said section 2(6), of the power conferred by subsection (16) or (17) above shall be defrayed out of moneys provided by Parliament, and moneys so provided for the payment by the Postmaster General of those expenses shall be excepted from the operation of section 1(2) of the Post Office Act 1961.
- (19) The approval of the Minister for the Civil Service shall be requisite as regards the number of persons to be furnished under subsection (15) above and to a determination under subsection (16) or (17) above by the Minister relating to allowances or remuneration, and the approval of the Treasury shall be requisite to a determination under either of the last-mentioned subsections by the Minister relating to the expenses of a body.
- (20) Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies offices whereof the holders are disqualified under that Act) shall, in its application to the House of Commons of the United Kingdom, be amended by inserting, at the appropriate point in alphabetical order, the words " Chairman of the Post Office Users' National Council ".

## **15 Duty of the Post Office to consult the Post Office Users' National Council about certain proposals**

- (1) Before the Post Office so puts into effect any major proposals relating to any of its main services as to affect the persons for whom they are provided, it shall be incumbent on it, subject to the next following subsection, to refer the proposals to, and consult thereon with, the Post Office Users' National Council.
- (2) The foregoing subsection shall not apply to proposals containing no matter other than such as is requisite to comply with a direction given by the Minister under section 11(3) or (4) or 12 of this Act or matter ancillary to matter such as is so requisite.
- (3) Any question arising whether or not any proposals are major proposals or relate to a main service shall be referred to the Minister, whose decision shall be final.
- (4) The validity of any action taken by the Post Office shall not be impugned on the ground that it was taken otherwise than in pursuance of proposals that had been the subject of a reference under subsection (1) above, but ought not to have been so taken.

### *General Provisions as to Transfer to the Post Office of Property, Rights and Liabilities of the Postmaster General*

## **16 Vesting in the Post Office of property, rights and liabilities generally**

- (1) On the appointed day, there shall vest by virtue of this section in the Post Office—
- (a) all property which, immediately before that day, is vested in the Postmaster General and held in trust for Her Majesty;
  - (b) all works and apparatus belonging to the Postmaster General to which the enactments relating to telegraphs apply;

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- (c) the portions of the tube laid by the Pneumatic Despatch Company, Limited, that are vested in the Postmaster General under the Post Office (Pneumatic Tubes Acquisition) Act 1922;
  - (d) all estates and interests in land in the Channel Islands which, immediately before that day, are vested in Her Majesty, being estates and interests in land then occupied or used, in whole or in part, by the Postmaster General or (for, or in connection with, the exercise and performance of any of the Postmaster General's functions) by an officer or servant of the Crown;
  - (e) all property which, immediately before that day, is vested in the Crown and used, or appropriated for use, for, or in connection with, the exercise and performance of any of the Postmaster General's functions (being neither land nor property falling within paragraph (b) or (c) above);
  - (f) all interests of the Minister of Public Building and Works in the land delineated (and coloured blue) on the plans deposited in connection with the Bill for this Act with that Minister and authenticated by the signature of the Postmaster General (being land in the City of Edinburgh which, though held by that Minister, is occupied by the Postmaster General);
  - (g) all rights and liabilities enjoyed by, or incumbent on, the Crown immediately before that day with reference to the functions of the Postmaster General (including, in particular, but without prejudice to the generality of the foregoing words, all rights so enjoyed, and liabilities so incumbent, that subsist by virtue of a contract entered into by the Minister of Public Building and Works on behalf of the Crown for the erection or execution of buildings or works on land in whose case an estate or interest therein vests in the Post Office by virtue of paragraph (a) above, not being land which, immediately before that day, is the subject of an agreement to which the parties are the Postmaster General, the Minister of Public Building and Works and the Post Office for the conveyance, assignment or transfer by the Post Office to that Minister of the estate or interest that so vests).
- (2) The following shall be excepted from the operation of the foregoing subsection, namely.—
- (a) chattels or corporeal moveables used, or appropriated for use, exclusively for, or in connection with, the exercise and performance by the Postmaster General of his functions under the Government Annuities Act 1929, the Post Office Savings Bank Acts 1954 and 1966, the National Debt Act 1958 or the National Loans Act 1968, not being telegraphic apparatus;
  - (b) records within the meaning of the Public Records Act 1958;
  - (c) copyright (other than copyright in registered designs);
  - (d) property for whose vesting in the Post Office or the Minister of Public Building and Works provision is made by the following provisions of this Act;
  - (e) rights and liabilities for whose vesting in the Post Office provision is so made ;
  - (f) rights and liabilities enjoyed by, or incumbent on, the Crown referable solely to the exercise and performance by the Postmaster General of his functions under the Wireless Telegraphy Acts 1949 to 1967 (other than rights and liabilities that subsist by virtue of a contract for the supply of chattels or corporeal moveables or by virtue of such a contract to which the Minister of Public Building and Works is a party as falls within subsection (1)(g) above);
  - (g) rights and liabilities enjoyed by, or incumbent on, the Crown referable solely to the exercise and performance by the Postmaster General of his functions under the Government Annuities Act 1929, the Post Office Savings Bank Acts

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1954 and 1966, the National Debt Act 1958 or the National Loans Act 1968 (other than rights and liabilities that subsist by virtue of such a contract to which the Minister of Public Building and Works is a party as falls within subsection (1)(g) above);

- (h) rights and liabilities that subsist by virtue of section 46 of the Patents Act 1949 or paragraph 1 of Schedule 1 to the Registered Designs Act 1949 (Crown use of patented inventions and registered designs);
- (i) rights and liabilities that subsist by virtue of a contract entered into by the Controller of Her Majesty's Stationery Office on behalf of the Crown; and
- (j) rights and liabilities that subsist under such a contract entered into on behalf of the Crown as falls within subsection (1) of section 18 of this Act (it being assumed that subsection (2) thereof had been omitted).

## **17 Power of the Minister to override section 16 in case of difficulty or uncertainty**

- (1) If it appears to the Minister expedient so to do for the purpose of removing any difficulties or uncertainties arising out of the operation of the last foregoing section, he may by order—
  - (a) direct that such property (other than land), rights or liabilities as may be specified in the order (being property, rights or liabilities which, apart from the order, would vest in -the Post Office by virtue of that section or which have so vested) shall, notwithstanding that section, not so vest or, as the case may be, be deemed not to have so vested ; or
  - (b) direct that such property (other than land), rights or liabilities as may be so specified (being property, rights or liabilities which, apart from the order, would not so vest or which have not so vested) shall, notwithstanding that section, so vest on the appointed day or, as the case may be, on such day as may be so specified.
- (2) No order shall be made under this section by the Minister with respect to chattels or corporeal moveables after the expiration of the period of twelve months beginning with the appointed day.
- (3) Where an order under this section operates to the advantage of the Post Office, the Minister may, with the consent of the Treasury, direct that the debt that will fall, or has fallen, by virtue of the following provisions of this Part of this Act, to be assumed by the Post Office to him shall be increased by a sum specified in the direction (being a sum appearing to him to represent the value of the advantage); and where an order under this section operates to the disadvantage of the Post Office, the Minister may, with the like consent, direct that that debt shall be reduced by a sum specified in the direction (being a sum sufficient, in his opinion, to compensate the Post Office for the disadvantage).

## **18 Vesting in the Post Office of rights and liabilities under certain contracts conferring on the Crown incidental rights as to patents,**

- (1) Where a contract entered into on behalf of the Crown by the Postmaster General contains provision conferring on the Crown (otherwise than by reference to the office of master of the Post Office and incidentally only to other matters with which the contract is principally concerned) rights in respect of a patent, invention or registered design, the rights of the Crown subsisting by virtue of the contract (other than such as subsist by virtue of that provision) and the liabilities of the Crown so subsisting

(other than such, if any, as relate to payment in respect of an exercise of rights that so subsist) shall, on the appointed day, vest in the Post Office by virtue of this section but the Post Office shall—

- (a) enjoy, concurrently with the Crown and subject to the like liability (if any) as is incumbent on the Crown to make payment in respect of an exercise thereof, the Crown's rights under the contract that so subsist and
  - (b) be liable to satisfy any unsatisfied liability of the Crown to make payment in respect of an exercise by the Postmaster General, on behalf of the Crown, of those rights.
- (2) In so far as a contract provides for the terms upon which use of an invention may be made by virtue of section 46 of the Patents Act 1949 for the manufacture of articles by the department of the Postmaster General or the manufacture and supply to that department of articles by a person authorised by it or provides for the terms upon which use of a registered design may be made by virtue of paragraph 1 of Schedule 1 to the Registered Designs Act 1949 for either of these purposes, it shall be excepted from the operation of the foregoing subsection.

## **19 Transfer of assets of the Post Office Fund and general reserve, of certain other moneys, and of certain investments**

- (1) On the appointed day, the assets of the Post Office Fund and of the general reserve maintained by the Postmaster General in pursuance of section 7 of the Post Office Act 1961 shall, by virtue of this section, vest in the Post Office, and that fund and that reserve shall cease to exist.
- (2) On the appointed day, there shall vest in the Post Office, by virtue of this section.—
- (a) all moneys in the hands of the Postmaster General which, though not forming part of the assets of the Post Office Fund, would, if this Act had not passed, have fallen to be paid by him into that fund ;
  - (b) any right of the Postmaster General to repayment of Ways and Means advances made by him under section 11 (investment powers) of the Post Office Act 1961;
  - (c) any bills or securities vested in him in consequence of an exercise of the power of investment conferred on him by that section ; and
  - (d) any shares acquired by him under Part VII of this Act.

*Transfer to the Post Office of the Postmaster General's statutory Rights and Liabilities as to Mails and Telegraphs and of Rights and Liabilities, &c, of his under certain Acts authorising the Acquisition of Land or the Execution of Works*

## **20 Rights and liabilities as to conveyance of mails**

- (1) On the appointed day—
- (a) the right which, by virtue of subsection (1) of section 29 of the Post Office Act 1953 (hereafter in this section referred to as the " principal Act"), the Postmaster General enjoys immediately before that day to require a person by whom a ship is owned or worked to carry parcels in the ship and the countervailing obligation which, by virtue of subsection (2) of that section, is, immediately before that day, incumbent on him to pay remuneration for services rendered under that section shall become those of the Post Office;

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- (b) the rights which, by virtue of sections 33, 34, 36(1) and 42 of the principal Act (which contain provisions enabling him to compel railway undertakers to undertake the conveyance of mail-bags by train and by ships which are owned or worked by them or in the case of which they are parties to arrangements for the use, maintenance or working thereof) he enjoys immediately before that day and the countervailing obligations with respect to payment of remuneration for services performed which, immediately before that day, are, by virtue of sections 35 and 36(2) of the principal Act, incumbent on him shall become those of the Post Office ;
  - (c) the right which, by virtue of section 44(1)(b) and (c) of the principal Act, he enjoys immediately before that day to require the British Railways Board and certain other bodies which provide transport services to perform (subject to the restrictions imposed by section 45 of the principal Act) reasonable services with regard to the conveyance of mail-bags and the countervailing obligation which, by virtue of section 44(2) of the principal Act, is, immediately before that day, incumbent on him to pay remuneration for services performed shall become those of the Post Office; and
  - (d) the obligation to him which, by virtue of subsection (1) of section 38 of the principal Act, is, immediately before that day, incumbent on railway undertakers to perform services with respect to the conveyance of mail-bags and the other matters mentioned in that subsection and the right which, by virtue of subsection (2) of that section, they enjoy, immediately before that day, to receive from him remuneration for services performed shall respectively become an obligation to the Post Office and a right against it.
- (2) Accordingly, as from the appointed day.—
- (a) sections 29, 33 to 36, 38, 44 and 45 of the principal Act shall have effect as if, for references to the Postmaster General, there were substituted references to the Post Office ; and
  - (b) sections 39, 40 and 41 of that Act (which respectively prohibit railway undertakers from making byelaws, &c, which militate against the provisions of that Act relating to the conveyance of mails by railway, provide for the manner in which notices may be served under that Act on railway undertakers and penalize certain refusals and neglects by such undertakers in the matter of the conveyance of mails by railway) shall have similar effect.

## **21 Rights and liabilities as to telegraphs**

- (1) On the appointed day, the rights and liabilities which, by virtue of the provisions of the Telegraph Acts which are not repealed by this Act, are enjoyed by, and incumbent on, the Postmaster General immediately before that day shall become those of the Post Office, and it shall become subject to the restrictions imposed by those provisions to which the Postmaster General is subject immediately before that day; and, accordingly.
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- (a) on that day, so much of section 2 of the Telegraph Act 1868 as provides that the term " the company " in the Telegraph Act 1863 shall, in addition to the meaning assigned to it in that Act, mean the Postmaster General shall cease to have effect; and
  - (b) as from that day, references in the said provisions and in section 20 of the Public Utilities Street Works Act 1950 (which extends the powers exercisable under section 21 of the Telegraph Act 1863) to the company and to the Postmaster General (except references in such of those provisions as are

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expressly dealt with by the following provisions of this Act and except the first two references to the company in section 30 of the Telegraph Act 1863, the first three such references in section 33 of that Act, the ninth reference to the Postmaster General in section 6 of the Telegraph Act 1878, the first reference to him in the Telegraph (Construction) Act 1911 and the first reference to him in the Telegraph (Construction) Act 1916) shall be construed as referring to the Post Office, except so far as the context excludes such a construction, and the excepted references in the said sections 30, 33 and 6 and those in the two last-mentioned Acts shall be construed as including references to the Post Office.

- (2) In this section "the Telegraph Acts" means the Telegraph Act 1863, the Telegraph Act 1868, the Telegraph Act 1870, the Telegraph Act 1878, the Telegraph (Isle of Man) Act 1889, the Telegraph Act 1892, the Telegraph (Construction) Act 1908, the Telegraph (Arbitration) Act 1909, the Telegraph (Construction) Act 1911 and the Telegraph (Construction) Act 1916.

## **22 Rights and liabilities, arising out of Acts authorising the acquisition of land or the execution of works**

- (1) Any provision of the Sites Acts, the Post Office Extension Act 1865, the Manchester Post Office Act 1876, the Post Office (London) Railway Act 1913, the Post Office (Site and Railway) Act 1954, the Post Office Works Act 1959 or the Post Office Subway Act 1966 which is in force immediately before the appointed day and contains references to the Postmaster General shall, so far as necessary for preserving its effect on and after that day, have effect as from that day as if those references were references to the Post Office.
- (2) As from the appointed day, any rights or powers vested in, or exercisable by, the Post Office under the enactments relating to telegraphs in respect of works of any kind whatsoever executed under those enactments shall extend to, and may be exercised by it in respect of, the portions of the tube constructed by the Pneumatic Despatch Company, Limited, that vest in the Post Office by virtue of section 16 of this Act.
- (3) Section 20 of the Bristol Cattle Market Act 1930 (which empowers the Postmaster General, amongst others, to enter into and carry out agreements with reference to any of the matters referred to in that Act or the agreements mentioned in that section) shall, as from the appointed day, have effect with the substitution, for the reference to the Postmaster General, of a reference to the Post Office.
- (4) Section 16 of the City of London (Various Powers) Act 1950 (which provides for the continuance of the making, by the Postmaster General, the Mayor and commonalty and citizens of the city of London acting by the common council and the Mercers' Company of certain periodic payments to the incumbents and clerks of certain benefices in the city, being payments originally required to be made under enactments repealed by that Act) shall, as from the appointed day, have effect as if, in Schedule 1 to that Act, for references to the Postmaster General, there were substituted references to the Post Office; and the rights of indemnity in favour of the Postmaster General that are saved by the proviso to section 18 of that Act shall, as from that day, enure for the benefit of the Post Office and the charges on property to secure the payment of money payable to the Postmaster General in respect of indemnities so saved which are themselves also saved by that proviso shall, as from that day, have effect accordingly.



- (5) The reference in subsection (1) above to the Sites Acts is a reference to the Acts passed during the years 1885 to 1938 (both inclusive) the short title of each of which consists of the words " The Post Office (Sites) Act" followed by the year in which it was passed.

*Exclusive Privilege of the Post Office with respect to the Conveyance, &c, of Letters*

**23 Exclusive privilege of the Post Office with respect to the conveyance, of letters**

- (1) Subject to the restriction imposed by the following subsection, as from the appointed day, the privilege with respect to the conveyance of letters and the performance of services of receiving, collecting, despatching and delivering letters which, by virtue of section 3 of the Post Office Act 1953 is (subject to the exceptions provided for by that section) enjoyed by the Postmaster General at the passing of this Act, shall (subject to the like exceptions) become that of the Post Office; and, accordingly, as from that day.—
- (a) that section shall have effect as if, for references to the Postmaster General, there were substituted references to the Post Office ; and
  - (b) section 4 of that Act (which penalizes infringements of the privilege conferred by the said section 3) and sections 26 to 28 thereof (which make provision for securing the due transmission of postal packets carried in ships or aircraft inward bound) shall have similar effect.
- (2) The said restriction is that the power to authorise letters to be sent, conveyed and delivered otherwise than by post and the collection of letters otherwise than by an officer of the Post Office which is conferred by the proviso to subsection (1) of the said section 3 and with which the Post Office becomes invested by virtue of the foregoing subsection shall not be exercisable except with the consent of, or in accordance with the terms of a general authority given by, the Minister.

*Exclusive Privilege of the Post Office with respect to Telecommunication*

**24 Exclusive privilege of the Post Office with respect to telecommunication**

- (1) Subject to the following provisions of this Act, as from the appointed day, the Post Office shall have throughout the British Islands, the exclusive privilege of running systems for the conveyance, through the agency of electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy of—
- (a) speech, music and other sounds ;
  - (b) visual images;
  - (c) signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sound or visual images ; and
  - (d) signals serving for the actuation or control of machinery or apparatus.
- (2) In the case of an infringement, in relation to a system not extending beyond the British Islands, of the privilege conferred by the foregoing subsection, the person running the system (or, if different people run different parts of it, each of them), shall be guilty of an offence and liable.—
- (a) on summary conviction, to a fine not exceeding £400;

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(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both,

and, in the case of an infringement, in relation to a system extending beyond those Islands, of that privilege, the person running the portion of the system within those Islands (or, if different people run different parts of it, each of them) shall be guilty of an offence and similarly liable.

(3) Where a body corporate is guilty of an offence under this section and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection, the expression "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(4) In any proceedings in respect of an offence under this section consisting in the running of a system in the case of which, at the time of the commission of the offence, different parts were run by different persons, it shall be a defence for the defendant to prove that a part of the system had been included without his knowledge and that, had it not been, the running of the system would not have constituted an infringement of the privilege conferred by subsection (1) above.

## 25 General classes of acts not infringing the telecommunication privilege

(1) The privilege conferred by subsection (1) of the last foregoing section is not infringed by—

(a) the running of a system in the case of which the only agency involved in the conveyance of things thereby conveyed is light and the things thereby conveyed are so conveyed as to be capable of being received or perceived by the eye and without more;

(b) the running by a person of a system in the case of which all the apparatus comprised therein is situate either—

(i) on a single set of premises occupied by him; or

(ii) in a vehicle, vessel, aircraft or hovercraft or in two or more vehicles, vessels, aircraft or hovercraft mechanically coupled together ; or

(c) the running by a single individual of a system in the case of which—

(i) all the apparatus comprised therein is under his control; and

(ii) everything conveyed by it that falls within paragraphs (a) to (d) of the said subsection (1) is conveyed solely for domestic purposes of his.

(2) In the case of a business carried on by a person, the said privilege is not infringed by the running, for the purposes of that business, of a system with respect to which.—

(a) in a case in which all the apparatus therein comprised is situate in the British Islands, no person except him or the Post Office is concerned in the control of the apparatus;

(b) in any other case, no person except him or the Post Office is concerned in the control of so much of the apparatus as is so situate ;

provided—

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- (i) that nothing falling within paragraphs (a) to (d) of subsection (1) of the last foregoing section is conveyed by the system by way of rendering a service to another;
  - (ii) that, in so far as sounds or visual images are conveyed by the system, they are not conveyed for the purpose of their being heard or seen by persons other than the person carrying on that business or any servants of his engaged in the conduct thereof ;
  - (iii) that in so far as such signals as are mentioned in paragraph (c) of that subsection are conveyed by the system, they are not conveyed for the purpose of imparting matter otherwise than to the person carrying on that business, any servants of his engaged in the conduct thereof or things used in the course of that business and controlled by him; and
  - (iv) that, in so far as such signals as are mentioned in paragraph (d) of that subsection are conveyed by the system, they are not conveyed for the purpose of actuating or controlling machinery or apparatus used otherwise than in the course of that business.
- (3) In the case of a system in the case of which all the apparatus therein comprised is let on hire by the Post Office, the said privilege is not infringed by the running of the system by the person to whom the apparatus is let on hire; and in the case of a system in the case of which part of the apparatus comprised therein consists of apparatus let on hire by the Post Office to a person, the said privilege is not infringed by the running by him of so much of the system as comprises the last-mentioned apparatus.
- (4) In this section "business " includes a trade, profession or employment and includes any activity carried on by a body of persons, whether corporate or unincorporated, and " vessel" means a vessel of any description used in navigation.

## **26 Acts relating to broadcasting not infringing the telecommunication privilege**

- (1) The privilege conferred by subsection (1) of section 24 of this Act is not infringed by a broadcasting authority by reason only of the transmission by it, by wireless telegraphy, of sounds or visual images from a transmitting station for general reception direct from that station, nor is it infringed by the reception of sounds or visual images transmitted, by wireless telegraphy, from a transmitting station for general reception direct from that station or through the medium of a relay service licensed under the Wireless Telegraphy Act 1949.
- (2) In this section, "broadcasting authority " means a person licensed under the Wireless Telegraphy Act 1949 to broadcast programmes for general reception and " wireless telegraphy" has the same meaning as in that Act.

## **27 Saving for things done under licence**

- (1) A licence may, with the consent of, or in accordance with the terms of a general authority given by, the Minister, be granted by the Post Office, either unconditionally or subject to any conditions specified in the licence, and either irrevocably or subject to revocation as therein specified, for the running of any such system falling within subsection (1) of section 24 of this Act as is specified in the licence ; and nothing done under, and in accordance with, a licence granted under this subsection shall constitute an infringement of the privilege conferred by that subsection.

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- (2) A licence granted under the foregoing subsection shall, unless previously revoked in accordance with any terms in that behalf contained in the licence, continue in force for such period as may be specified therein.
- (3) A licence granted under subsection (1) above may be granted either to all persons, to persons of a class or to a particular person, and may include (without prejudice to the power to impose conditions conferred by that subsection) conditions requiring the rendering to the Post Office of a payment on the grant of the licence or the rendering to it of periodic payments during the currency of the licence, or both.
- (4) A payment required by virtue of this section to be rendered to the Post Office may be recovered by it in any court of competent jurisdiction as if it were a simple contract debt.
- (5) A licence granted under subsection (1) above (not being one expressed to be granted to a specified person) shall be published in such manner as appears to the Post Office to be appropriate for bringing it to the attention of the persons for whose benefit it will enure, and a licence expressed to be so granted must be in writing.
- (6) No person shall be concerned to inquire whether the grant of a licence under subsection (1) above was, or was not, effected with the consent of, or in accordance with the terms of a general authority given by, the Minister; and the validity of a licence granted under that subsection shall not be impugned on the ground that it was granted neither with the consent of, nor in accordance with the terms of a general authority given by, him.
- (7) In the application of subsection (4) above to Scotland, the words " as if it were a simple contract debt" shall be omitted.
- (8) Section 6(1) of this Act shall not operate so as to preclude the grant by the Post Office before the appointed day of licences under subsection (1) above.
- (9) For the purposes of a licence granted under subsection (1) above, the definition of a class of persons may be framed by reference to any circumstances whatever.

*Charges and other Terms and Conditions applicable to Services*

**28 Schemes for determining charges and other terms and conditions applicable to services**

- (1) The Post Office may make, as respects any of the services provided by it, a scheme for determining either or both of the following, namely.—
  - (a) the charges which (save in so far as they are the subject of an agreement between it and a person availing himself of those services) are to be made by it; and
  - (b) the other terms and conditions which (save as aforesaid) are to be applicable to those services;but so that no provision be included in any such scheme for limiting liability of the Post Office for loss or damage or for amending the rules of law with respect to evidence.
- (2) A scheme made under this section may, as respects the services to which it relates, adopt such system for the determination of the charges or other terms and conditions or (as the case may be) the charges and other terms and conditions that are to be applicable as may appear desirable and, in particular and without prejudice to the generality of

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the foregoing words, may, in all or any cases, leave the determination thereof to the Post Office subject to such (if any) conditions and limitations as may be provided for in the scheme.

- (3) A scheme made under this section may, as respects the services to which it relates, specify the manner in which, time at which and person by whom the charges that are to be applicable are to be paid.
- (4) A scheme made under this section may make different provision for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme.
- (5) A charge exigible by virtue of this section may be recovered by the Post Office in any court of competent jurisdiction as if it were a simple contract debt.
- (6) A scheme made under this section may revoke or amend any previous scheme so made.
- (7) A scheme made under this section shall come into operation on such day as is specified therein, not being earlier than the day after that on which publication of the scheme in the London, Edinburgh and Belfast Gazettes has been effected; and conclusive evidence of a scheme so made may be given, in all courts of justice and in all legal proceedings whatsoever, by the production of a copy of any of those Gazettes purporting to contain it.
- (8) In the application of subsection (5) above to Scotland, the words " as if it were a simple contract debt" shall be omitted.

#### *Limitation of Liability*

### **29 Exclusion of liability of the Post Office, its officers and servants, in relation to posts and telecommunications**

- (1) Save as provided by the next following section, no proceedings in tort shall lie against the Post Office in respect of any loss or damage suffered by any person by reason of—
  - (a) anything done or omitted to be done in relation to anything in the post or omission to carry out arrangements for the collection of anything to be conveyed by post;
  - (b) failure to provide, or delay in providing, a telecommunication service, apparatus associated therewith or a service ancillary thereto;
  - (c) failure, interruption, suspension or restriction of a telecommunication service or a service ancillary thereto or delay of, or fault in, communication by means of a telecommunication service; or
  - (d) error in, or omission from, a directory for use in connection with a telecommunication service.
- (2) No officer or servant of the Post Office or person who, not being such an officer or servant, is a sub-postmaster or telephone exchange attendant shall be subject, except at the suit of the Post Office, to any civil liability for any loss or damage in the case of which liability of the Post Office therefor is excluded by the foregoing subsection.
- (3) No person engaged in or about the carriage of mail and no officer, servant, agent or sub-contractor of such person shall be subject except at the suit of the Post Office to any civil liability for any loss or damage in the case of which liability of the Post Office therefor is excluded by subsection (1) of this section.

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- (4) In the application of subsection (1) above to Scotland, the reference to proceedings in tort shall be construed in the same way as in section 43(b) of the Crown Proceedings Act 1947.

**30 The Post Office to be subject to limited liability in respect of registered inland packets**

- (1) Subject to the provisions of this section, proceedings shall lie against the Post Office under this section, but not otherwise, in respect of loss of, or damage to, a registered inland packet in so far as the loss or damage is due to any wrongful act done or any neglect or default committed by an officer, servant or agent of the Post Office while performing or purporting to perform his functions as such in relation to the receipt, carriage, delivery or other dealing with the packet; but no proceedings shall lie under this section in relation to a packet unless begun within the period of twelve months beginning with the day on which the packet was posted.
- (2) For the purposes of any proceedings under this section in relation to a packet it shall be presumed, until the contrary is shown, that loss of, or damage to, the packet was due to a wrongful act done, or neglect or default committed by, an officer, servant or agent of the Post Office while performing or purporting to perform such functions of his as aforesaid.
- (3) The amount recoverable in any proceedings under this section in relation to a packet shall not exceed—
- (a) the market value of the packet (excluding the market value of any message or information which it bears) at the time when the cause of action arises; or
  - (b) the maximum amount available under a scheme made under section 28 of this Act for compensating the persons aggrieved having regard to the fee paid in respect of the registration of the packet.
- (4) The Post Office shall not be liable under this section in respect of a packet unless any such conditions as are required by a scheme under section 28 of this Act to be complied with in relation to registered inland packets have been complied with in the case of the packet.
- (5) No relief shall be available under this section in relation to a packet except upon a claim by the sender or the addressee of the packet; and the sender or addressee of the packet shall be entitled to claim any relief available under this section in respect of the packet, whether or not he is the person damnified by the injury complained of, and to give a good discharge in respect of all claims in respect of the packet under this section: but where the court is satisfied, upon an application by a person who is not the sender or addressee of the packet, that the sender and the addressee are unable or unwilling to enforce their remedies in respect of the packet under this section, the court may, upon such terms as to security, caution, costs, expenses and otherwise as the court thinks just, allow that other person to bring proceedings under this section in the name of the sender or the addressee of the packet.
- (6) Where, by virtue of the last foregoing subsection, a person recovers any money or property which, apart from that sub' section, would have been recoverable by some other person, the money or property so recovered shall be held on trust for that other person.
- (7) In this section—

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- " agent " includes an independent contractor ;
- " inland packet " means anything which is posted in the British Islands for delivery at a place in those Islands to the person to whom it is addressed ;
- " sender ", in relation to a packet, has such meaning as may be assigned to it by any provision of a scheme made under section 28 of this Act, being a provision relating to registered inland packets ; and any reference in this section to the sender or addressee of a packet includes a reference to his personal representatives.

### *Finance*

#### **31 General duty of the Post Office as to finance**

- (1) As from the appointed day, it shall be the duty of the Post Office so to exercise its powers as to secure that its revenues are not less than sufficient to meet all charges properly chargeable to revenue account, taking one year with another.
- (2) The Post Office shall charge to revenue in every year all charges that are proper to be made to revenue, including, in particular, proper provision for the depreciation of assets and proper allocations to general reserve; and the reference in the foregoing subsection to charges properly chargeable to revenue account shall be construed accordingly.

#### **32 General reserve**

- (1) Without prejudice to its power to establish specific reserves, the Post Office shall establish and maintain a general reserve.
- (2) The management by the Post Office of its general reserve, the sums to be carried from time to time to the credit thereof, and the application of the moneys comprised therein shall (subject to the following provisions of this section) be as the Post Office may determine.
- (3) None of the moneys comprised in the Post Office's general reserve shall be applied otherwise than for the purposes of the Post Office.
- (4) The Minister may, with the approval of the Treasury, give to the Post Office directions as to any matter relating to the establishment or management of the Post Office's general reserve or the carrying of sums to the credit thereof or the application of the moneys comprised therein, and the Post Office shall comply with the directions.

#### **33 The Post Office's commencing capital debt**

- (1) The Post Office shall, on the appointed day, assume a debt due to the Minister whereof the amount shall (subject to the effect of any direction given under section 17 of this Act) be the excess of the aggregate of the following amounts:—
  - (a) so much of advances made under section 9 of the Post Office Act 1961 by the Treasury to the Postmaster General as remains outstanding immediately before that day; and
  - (b) so much of the amount referred to in section 13(2) of that Act as remains outstanding immediately before that day;over the aggregate of—

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- (i) the net book value of all chattels and corporeal moveables which, immediately before the appointed day, are used, or appropriated for use, by the Postmaster General, being chattels and corporeal moveables that do not, by virtue of section 16 of this Act, vest in the Post Office and in the provision of which the Postmaster General has incurred expenditure treated by him as capital expenditure; and
    - (ii) the aggregate of the sums of which, under the following provisions of this Act, the Post Office is entitled to credit for the purposes of this section.
  - (2) The rate of interest on the said debt and the date from which interest is to begin to accrue, the arrangements for paying off the principal of the said debt, and the other terms of the said debt shall be such as the Minister, with the approval of the Treasury, may from time to time determine; and different rates and dates may be determined under this subsection with respect to different portions of the said debt.
  - (3) Any sums received by the Minister by way of interest on, or repayment of, the said debt shall be paid into the National Loans Fund.
  - (4) In this section "net book value" means, in relation to chattels and corporeal moveables, the value thereof (after deducting depreciation) as shown in the books by reference to which the final statement of accounts under section 12 of the Post Office Act 1961 is prepared.
- 34 The Post Office to be liable in respect of loans and guarantees under section 8 of the Post Office Act 1961**
  - (1) As regards so much of any sum lent under section 8(1) of the Post Office Act 1961 by the Bank of England to the Postmaster General as is outstanding immediately before the appointed day, the liability to repay it, and to pay interest thereon, shall on that day be transferred to the Post Office.
  - (2) If, on or after the appointed day, any sums are issued out of the Consolidated Fund in fulfilment of a guarantee given under the said section 8, the Post Office shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments, of such amounts as they may so direct, in or towards repayment of the sums and payments of interest on what is outstanding for the time being in respect of the sums at such rate as they may direct.
  - (3) The last foregoing subsection shall, as from the appointed day, have effect in relation to sums issued as aforesaid before that day that have not been repaid before that day as it has effect in relation to sums so issued on or after that day.
- 35 The Post Office's borrowing powers**
  - (1) The Post Office may borrow temporarily, by way of overdraft or otherwise, either from the Minister or, with the consent of the Minister and the approval of the Treasury, from any other person, such sums in sterling as it may require for meeting its obligations and performing its functions.
  - (2) The Post Office may borrow from the Minister (otherwise than by way of temporary loan) such sums in sterling as it may require for all or any of the following purposes, namely.—
    - (a) provision of money for meeting any expenses incurred by it in connection with any works the cost of which is properly chargeable to capital account;



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- (b) provision of working capital required by it;
  - (c) subscription for, or acquisition of, securities of an incorporated company or other body corporate, promotion of the formation of an incorporated company or participation in the promotion of such a company or acquisition of an undertaking or part of an undertaking ;
  - (d) payment off of any part of the debt assumed by it under section 33 of this Act, repayment of any money borrowed by the Postmaster General the liability to repay which is transferred to it by the last foregoing section, payment of a sum in or towards repayment of a sum issued out of the Consolidated Fund in fulfilment of a guarantee given under section 8 of the Post Office Act 1961 and repayment of money borrowed by it;
  - (e) any other purpose for which capital moneys are properly applicable.
- (3) The Post Office, with the consent of the Minister, may, from such person and on such terms as he may, with the approval of the Treasury specify, borrow, in a currency other than sterling, any sum which it has power to borrow in sterling from the Minister.
- (4) References in this section to borrowing by the Post Office do not include—
- (a) borrowing by it from a body corporate which is its subsidiary;
  - (b) receiving money in its capacity as the provider of any services or using money received in that capacity.
- (5) Nothing in this section shall be taken as exempting the Post Office from the provisions of any order under section 1 of the Borrowing (Control and Guarantees) Act 1946 or section 2 of the Loans Guarantee and Borrowing Regulation Act (Northern Ireland) 1946 or from the provisions of the Exchange Control Act 1947.
- (6) This section shall come into operation on the appointed day.

### **36 Limitation of indebtedness**

- (1) The Post Office shall not have power to borrow money except in accordance with the last foregoing section.
- (2) The aggregate of—
- (a) the amount outstanding in respect of the principal of any money borrowed under the last foregoing section by the Post Office ; and
  - (b) so much as is outstanding of the debt assumed by it by virtue of section 33 of this Act;
- shall not at any time exceed £2,300 million or such greater sum, not exceeding £2,800 million, as the Minister may from time to time by order specify.
- (3) An order under the last foregoing subsection shall be made by statutory instrument, and no such order shall be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament.
- (4) Subsection (4) of the last foregoing section shall apply for the purposes of this section as it applies for the purposes of that.

### **37 Loans by the Minister to the Post Office**

- (1) The Minister may, with the approval of the Treasury, lend to the Post Office any sums which it has power to borrow under section 35(1) or (2) of this Act.

- (2) Any loans which the Minister makes under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may, with the approval of the Treasury, from time to time direct.
- (3) The Treasury may issue out of the National Loans Fund to the Minister such sums as are necessary to enable him to make loans under this section.
- (4) Any sums received under subsection (2) above by the Minister shall be paid into the National Loans Fund.

### **38 Treasury guarantees**

- (1) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, and the payment of interest on, any sums which the Post Office borrows from a person other than the Minister.
- (2) Immediately after a guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.
- (3) Any sums required by the Treasury for fulfilling a guarantee under this section shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this section, the Post Office shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments, of such amounts as the Treasury may so direct, in or towards repayment of the sums so issued and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Treasury may so direct.
- (5) Any sums received under the last foregoing subsection by the Treasury shall be paid into the Consolidated Fund.

### **39 Accounts of the Minister with reference to Post Office indebtedness to him**

The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct, an account of sums received by him as mentioned in section 33(3) of this Act, of sums received by him under subsection (2) of section 37 of this Act and of sums issued to him under subsection (3) of that section and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

## *Banking*

### **40 The Post Office as banker**

So far as regards the provision by it, in exercise of the power conferred on it by virtue of section 7(1)(b) of this Act, of a banking service, the Post Office shall be deemed for all purposes to be a bank and a banker and to be carrying on the business of banking and a banking undertaking, but shall not be required to furnish to the Commissioners of Inland Revenue any returns under the provisions of section 21 of the Bank Charter Act 1844 or section 13 of the Bank Notes (Scotland) Act 1845.

### **41 The Post Office's liabilities as banker to be matched by cash and liquid assets**

So long as the Post Office provides, in exercise of the power conferred on it by virtue of section 7(1)(b) of this Act, a banking service, it shall be its duty to secure that, at every point of time in any period.—

- (a) such proportion of the aggregate of the sums owed at that point of time by it to persons in the capacity of customers of its with reference to that service as has previously been determined, in relation to that period, by it with the approval of the Treasury, is matched by assets of its of one or more of the classes specified in Part I of Schedule 2 to this Act; and
- (b) the residue of that aggregate is matched by assets of its of one or more of the classes specified in Part II of that Schedule.

## *The Post Office's Accounts, and Audit thereof*

### **42 The Post Office's accounts, and audit thereof**

- (1) The Post Office shall keep proper accounts and other records and shall prepare in respect of each accounting year a statement of accounts in such form as the Minister, with the approval of the Treasury, may direct, being a form which shall conform to the best commercial standards.
- (2) The accounts of the Post Office shall be audited by auditors appointed by the Minister after consultation with it, and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—
  - the Institute of Chartered Accountants in England and Wales;
  - the Institute of Chartered Accountants of Scotland;
  - the Association of Certified and Corporate Accountants;
  - the Institute of Chartered Accountants in Ireland;
  - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Board of Trade ;but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.
- (3) So soon as the accounts of the Post Office have been audited, it shall send to the Minister a copy of the statement thereof together with a copy of any report made by the auditors on the statement, and the Minister shall lay them before each House of Parliament.

### *Pensions and other Benefits*

#### **43 Staff pensions**

- (1) The Post Office shall, in the case of such persons engaged in its business as may be determined by it with the approval of the Minister (not being members of the Post Office), pay such pensions, allowances or gratuities to or in respect of them as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.
- (2) Where a participant in such a scheme as aforesaid becomes a member of the Post Office, he may be treated for the purposes of the scheme as if his service as a member of the Post Office were service as a person engaged in its business otherwise than as such a member, and his rights under the scheme shall not be affected by paragraph 4(1)(b) of Schedule 1 to this Act.

#### **44 The Post Office to pay pensions, referable to the service of certain former civil servants**

- (1) Subject to the provisions of this section, the following shall, instead of being paid out of moneys provided by Parliament, be paid by the Post Office, that is to say:—
  - (a) any sum that falls to be paid in respect of a period beginning on or after the appointed day by way of allowance or pension under the Superannuation Act 1965 referable to the service of a person who—
    - (i) ceased to be a civil servant before that day; and
    - (ii) immediately before he so ceased, was employed in the department of the Postmaster General otherwise than wholly in connection with the discharge of the Postmaster General's functions under the following enactments (or any of them), that is to say, the Government Annuities Act 1929, the Post Office Savings Bank Act 1954, the National Debt Act 1958, the Post Office Savings Bank Act 1966 and the National Loans Act 1968;
  - (b) any additional allowance or gratuity under the Superannuation Act 1965 that falls to be paid on or after the appointed day, being an allowance or gratuity referable to the service of any such person ; and
  - (c) any sum that falls to be so paid under that Act to any such person by way of return (with or without interest) of periodical contributions.
- (2) Where, in the case of such a person as aforesaid, the following conditions are satisfied, namely.—
  - (a) that, after he ceased to be a civil servant, but before the appointed day, he began to serve in a department other than that of the Postmaster General in an unestablished capacity; and
  - (b) that his service in that department continued after the beginning of the appointed day ;

the foregoing subsection shall not apply to so much of any payment by way of a superannuation or additional allowance granted under the Superannuation Act 1965 to him or of a pension granted under that Act in respect of his service (being a pension the annual rate of which is determined by reference to the rate of his superannuation allowance) as is attributable to—

- (i) a completed year of service which begins on or after the appointed day ; or
- (ii) a completed year of service which begins before, and ends after, that day, being a year in the case of which more than one hundred and eighty-two of the days therein comprised fall after the day immediately preceding that day.

**45 Amendment of sections 12 and 13 of the Superannuation Act 1965**

- (1) Section 12 of the Superannuation Act 1965 (cessation or reduction of superannuation allowance on re-employment) shall apply in the case of any such person as is therein mentioned who is appointed to fill an office in the Post Office immediately upon his ceasing to serve in the department of the Postmaster General as in the case of a person appointed to fill an office in a public department.
- (2) For the purposes of section 13 of the Superannuation Act 1965 (additions to allowances in certain cases of unestablished employment after retirement), service in the Post Office that immediately follows service in the department of the Postmaster General shall be treated as service in the civil service in an unestablished capacity.

**46 The Post Office to be liable, in certain cases, for part payment of pensions of certain former civil servants**

Where, in the case of a person who has ceased to be a civil servant, the following conditions are satisfied, namely.—

- (a) that, immediately before he so ceased, he was employed elsewhere than in the department of the Postmaster General;
- (b) that, after he so ceased, but before the appointed day, he began to serve in that department in an unestablished capacity and continued to serve therein until the appointed day ; and
- (c) that, on the appointed day, he began a period of service in the Post Office;

so much of any payment by way of a superannuation or additional allowance granted under the Superannuation Act 1965 to him or of a pension granted under that Act in respect of his service (being a pension the annual rate of which is determined by reference to the rate of his superannuation allowance) as is attributable to—

- (i) a completed year of service which begins on or after the appointed day ; or
- (ii) a completed year of service which begins before, and ends after, that day, being a year in the case of which more than one hundred and eighty-two of the days therein comprised fall after the day immediately preceding that day;

shall, instead of being paid out of moneys provided by Parliament, be paid by the Post Office.

**47 Making, by the Minister, in consideration of the Exchequer's being relieved of certain liabilities with respect to pensions, of payments to trustees appointed by the Post Office**

- (1) In consideration of the fact that, after the beginning of the appointed day, the Exchequer will, by virtue of the foregoing provisions of this Part of this Act, be relieved of liabilities in respect of the provision of pensions, gratuities and other like benefits to, and in respect of, certain persons, the following provisions of this section shall have effect.

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- (2) It shall be assumed that, on the appointed day, the Minister is the holder of an amount of 2 ½ % Consolidated Stock equal in nominal value to such sum (not being less than £1,000 million nor more than £1,500 million) as he may determine for the purposes of this section (which amount is hereafter in this section referred to as the " assumed amount of stock "); and trustees appointed by the Post Office for the purposes of this section (hereafter in this section referred to as " the trustees ")—
- (a) shall, subject to the following provisions of this section, be entitled to receive from him, in accordance with those provisions, quarterly payments (hereafter in this section referred to as " capital payments ") which shall severally be taken to represent the proceeds of assumed sales of portions of the assumed amount of stock and shall continue to be made until, by the operation of this section, the assumed amount of stock has been exhausted, and
  - (b) shall also, subject as aforesaid, be entitled to receive from him, in accordance with the said provisions, quarterly payments (hereafter in this section referred to as " interest payments") of which the first shall be taken to represent interest on the assumed amount of stock and each subsequent one shall be taken to represent interest on the residue of the assumed amount of stock remaining on the immediately preceding day on which an interest payment was payable.
- (3) Capital and interest payments shall be payable on the same days as those on which dividends are payable in respect of 2 ½ % Consolidated Stock, that is to say, 5th January, 5th April, 5th July and 5th October (which days are hereafter in this section referred to as " pay-days "), the first of those payments being payable on the first pay-day following the appointed day.
- (4) Subject to the next following subsection, the aggregate of the sums that the trustees are, by virtue of this section, entitled to receive on a pay-day shall be £11,250,000.
- (5) Capital payments may be reduced or withheld by the Minister in not more than five financial years (but so that none be reduced or withheld unless, beforehand, the Post Office has been notified by him of the intended reduction or withholding and the reduction or withholding has been approved by resolution of the Commons House of Parliament), subject, however, to this qualification, that if the Minister avails himself of the benefit of this subsection in two successive financial years it shall not be open to him to avail himself of it in the financial year next following.
- (6) For the purpose of computing the amount of the first interest payment, it shall be assumed that interest on the assumed amount of stock begins to accrue on the appointed day and accrues from day to day.
- (7) Each interest payment subsequent to the first shall be equal to that which would be payable by way of dividend on an actual holding of 2 ½ % Consolidated Stock equal to so much of the assumed amount of stock as was outstanding on the day on which the immediately preceding interest payment was payable.
- (8) If, in the case of a pay-day on which a capital payment is payable, the residue of the assumed amount of stock that remained on the immediately preceding pay-day is of an amount such that the proceeds of an assumed sale thereof for the purpose of computing the amount of that payment amount to a sum less than that which, apart from this subsection, the trustees are entitled to receive by way thereof, the requirements of this section shall be deemed to be complied with by the payment by the Minister to the trustees of an amount equal to those proceeds and of the interest payment payable on the first-mentioned pay-day.

- (9) For the purposes of this section, an assumed sale of a portion of the assumed amount of stock shall be assumed to take place on the last day before the payment representing the proceeds of the sale is due on which bargains in 2 ½ % Consolidated Stock, other than bargains at special prices, were recorded on the London Stock Exchange, and at a price half way between the highest and lowest prices at which bargains in that stock, other than bargains at special prices, were recorded on that Exchange on that day.
- (10) Trustees appointed by the Post Office for the purposes of this section shall hold moneys received by them thereunder, and any sums accruing by reason of the investment by them of any moneys so received, upon such trusts as may be declared by the Post Office for the purposes of this section, being trusts the objects of which consist in the payment, or the making of provision for the payment, of pensions, allowances and gratuities to, and in respect of, persons with respect to whom determinations made under section 43 of this Act are in force and in the reimbursement of the Post Office sums paid under section 44 or 46 of this Act.
- (11) Section 6(1) of this Act shall not operate so as to preclude the appointment of trustees or the declaration of trusts by the Post Office for the purposes of this section before the appointed day.

#### **48 Amendment of section 6 of the Commonwealth Telegraphs Act 1949**

Subsection (2) of section 6 of the Commonwealth Telegraphs Act 1949 (which provides for the making of regulations with respect to the payment of pensions to, or in respect of, employees of Cable and Wireless Limited) shall have effect as if, in paragraph (c) and sub-paragraphs (d)(iv), (v) and (vi), references which, by virtue of section 4 of this Act, are to be construed as referring to the Minister included references to the Post Office.

#### **49 Provisions as to pensions of former employees of Cable and Wireless Limited and certain other persons**

- (1) The Minister may, by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) make, with the consent of the Minister for the Civil Service, such regulations with respect to the payment of pensions to, or in respect of, persons who, at the passing of this Act are serving in the department of the Postmaster General, being—
- (a) persons who have pension rights under any of the following schemes, that is to say, the existing pension schemes, the scheme for the payment of pensions commonly known as the Cable and Wireless Pension Fund (being a scheme subsisting by virtue of regulations made under section 6 of the Commonwealth Telegraphs Act 1949) and the scheme for the payment of pensions commonly known as the Cable and Wireless Staff Dependents' Fund (being a scheme so subsisting); or
  - (b) persons, other than as aforesaid, who have been in the employment of Cable and Wireless Limited ;
- as appear to him to be requisite for securing that they, and persons claiming in right of them, are not adversely affected in the matter of pension rights by reason only that, in consequence of this Act, they cease to serve in that department.
- (2) Subsections (2) to (4), (7) and (8) of the said section 6 shall apply for the purposes of this section as if references to that section and subsection (1) thereof included

references to the foregoing subsection, as if, for references to the existing pension schemes (except in subsection (8)), there were substituted references to the schemes mentioned in subsection (1)(a) above, and as if, in subsection (7), for the reference to 1st January 1947 there were substituted a reference to the day on which this Act passes; and subsection (5) of that section shall, in its application to subsection (2)(a), as applied by this section, have effect as if, for the references to the purposes of any of the existing pension schemes, there were substituted a reference to the purposes of any of the schemes so mentioned.

- (3) Regulations under this section may amend or revoke provisions of regulations under the said section 6.

**50 The Post Office to continue payment of the remaining pension under the Injuries in War (Compensation) Act 1915**

If the sole remaining pension which, on 31st October 1968, is in course of payment under the Injuries in War (Compensation) Act 1915 at the expense of the Postmaster General is still in course of payment immediately before the appointed day, it shall, as from that day, be by virtue of this section, payable by the Post Office at the annual rate at which it is payable immediately before that day.

**51 Payments to the Post Office out of the National Insurance Fund and the Industrial Injuries Fund**

- (1) The Secretary of State, with the consent of the Treasury, may from time to time make to the Post Office, out of the National Insurance Fund, such payments as are necessary to secure that, from year to year, it receives the aggregate of the sums that might, in the estimation of the Government Actuary (after consultation with the Secretary of State and the Post Office), have been paid to members, officers and servants of the Post Office under the National Insurance Act 1965 by way of sickness benefit and maternity benefit consisting in maternity allowance had they not, under agreements entered into by them with the Post Office, undertaken to refrain from claiming those benefits in consideration, while entitled to claim them, of their drawing unabated sick pay.
- (2) The Secretary of State, with the consent of the Treasury, may from time to time make to the Post Office, out of the Industrial Injuries Fund, such payments as are necessary to secure that, from year to year, it receives the aggregate of the sums that might, in the estimation of the Government Actuary (after consultation with the Secretary of State and the Post Office) have been paid to members, officers and servants of the Post Office under the National Insurance (Industrial Injuries) Act 1965 by way of injury benefit had they not, under agreements entered into by them with the Post Office, undertaken to refrain from claiming it in consideration, while entitled to claim it, of their drawing unabated sick pay.
- (3) In the application of this section to Northern Ireland—
- (a) for the references to the Secretary of State there shall be substituted references to the Ministry of Health and Social Services for Northern Ireland ;
  - (b) for the references to the Treasury there shall be substituted references to the Ministry of Finance for Northern Ireland;
  - (c) for the references to the National Insurance Fund and the Industrial Injuries Fund there shall be substituted respectively references to the Northern Ireland National Insurance Fund and the Northern Ireland Industrial Injuries Fund; and



- (d) for the references to the National Insurance Act 1965 and the National Insurance (Industrial Injuries) Act 1965 there shall be substituted respectively references to the National Insurance Act (Northern Ireland) 1966 and the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.

### *Rating*

## **52 Rating in England and Wales**

- (1) For the purposes of valuation lists prepared under section 68 of the General Rate Act 1967 so as to come into force on any 1st April after the appointed day, the Minister of Housing and Local Government shall, after consultation with the Post Office and such associations of local authorities and such local authorities as he considers appropriate.
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- (a) by order determine the aggregate amount of the rateable values of all hereditaments occupied by the Post Office by any such property as follows, namely, posts, wires, underground cables and ducts, telephone kiosks and other equipment not within a building, being property used for the purposes of telecommunication services; and
- (b) by order determine the aggregate amount of the rateable values of the hereditaments occupied by the Post Office by the underground railway ;
- and such person as that Minister may by order specify shall, in such manner as that Minister may by order prescribe.—
- (i) apportion the amount determined under paragraph (a) above among the rating districts in which the hereditaments mentioned in that paragraph are situate; and
- (ii) apportion the amount determined under paragraph (b) above among the rating districts in which the hereditaments mentioned in that paragraph are situate;
- and (subject to the provisions of this section) for the purposes of those lists, so much of the amount determined under paragraph (a) above as is apportioned to a rating district shall be the rateable value of such of the hereditaments mentioned in that paragraph as are in that district, and so much of the amount determined under paragraph (b) above as is apportioned to a rating district shall be the rateable value of such of the hereditaments mentioned in that paragraph as are in that district; and rateable values shall be shown accordingly in lists transmitted to rating authorities in pursuance of section 68(2) of the General Rate Act 1967.
- (2) An order under paragraph (a) of the foregoing subsection may, if the Minister of Housing and Local Government thinks fit, provide, with respect to each of the years subsequent to the first with respect to which the order has effect or with respect to such of those years as may be specified in the order.—
- (a) for the aggregate amount referred to in that paragraph to be re-determined in manner prescribed by the order; or
- (b) for the apportioned parts of that amount to be varied in manner so prescribed ;
- and, where such an order includes such provision as is authorised by paragraph (a) of this subsection to be included therein, the aggregate amount, as re-determined in accordance with the order, shall be apportioned amongst the rating districts in which the hereditaments in question are situate in like manner as that amount, as determined by the order, was apportioned.

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- (3) Where an order under this section includes any such provision as is authorised by the last foregoing subsection to be included therein it may, further, include provision for effecting such alterations in rateable values shown in rating lists as are rendered requisite in consequence of an apportionment effected by virtue of the last foregoing subsection or a variation effected by virtue of the order and for any incidental, supplementary or consequential matters for which it appears to the Minister of Housing and Local Government requisite to provide for the purposes of the order.
- (4) No proposal shall be made under section 69 of the General Rate Act 1967 for the alteration of a rateable value shown, by virtue of this section, in a list.
- (5) For the purposes of the law relating to rating, the Post Office shall be treated as not being a public utility undertaking.
- (6) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Expressions used in this section and in the General Rate Act 1967 have the same meanings in this section as in that Act, and the expression " the underground railway " means the railway constructed, and the works executed, by the Postmaster General in exercise of the powers conferred by the Post Office (London) Railway Act 1913, and the railway constructed, and the works associated therewith executed, by him in exercise of the powers conferred by the Post Office (Site and Railway) Act 1954.
- (8) This section extends to England and Wales only.

### **53 Rating in Scotland**

- (1) For the purposes of the valuation roll for the year 1971-72 and for each subsequent year of revaluation, the Secretary of State shall, after consultation with the Post Office and such associations of local authorities and such local authorities as he considers appropriate, by order determine the aggregate amount of the rateable values of all lands and heritages occupied by the Post Office by any such property as follows, namely, posts, wires, underground cables and ducts, telephone kiosks and other equipment not within a building, being property used for the purposes of telecommunication services.
- (2) The aggregate amount determined under the foregoing subsection shall be entered by the Assessor of Public Undertakings (Scotland) in the valuation roll made up by him and shall be apportioned by him in that roll among rating areas in such manner as the Secretary of State may by order determine.
- (3) An order under subsection (1) above may, if the Secretary of State thinks fit, provide, with respect to each of the years subsequent to the first with respect to which the order has effect or with respect to such of those years as may be specified in the order.—
  - (a) for the aggregate amount referred to in that subsection to be re-determined in manner prescribed by the order ; or
  - (b) for the apportioned parts of that amount to be varied in manner so prescribed ;
 and, where such an order includes such provision as is authorised by paragraph (a) above to be included therein, the aggregate amount, as re-determined in accordance with the order, shall be apportioned among rating areas in like manner as that amount, as determined by the order, was apportioned.
- (4) Where an order under this section includes any such provision as is authorised by the last foregoing subsection to be included therein it may, further, include provision for

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effecting such alterations in rateable values shown in the valuation roll as are rendered requisite in consequence of an apportionment effected by virtue of the last foregoing subsection or a variation effected by virtue of the order and for any incidental, supplementary or consequential matters for which it appears to the Secretary of State requisite to provide for the purposes of the order.

- (5) The rate to be levied by a county council for the year 1971-72 and subsequent years on the rateable value apportioned to their area by virtue of subsection (2) above shall be the mean of the county rate and the highest aggregate rate levied in the separately rated areas of the landward area of the county.
- (6) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section "county rate " has the same meaning as in section 224(1) of the Local Government (Scotland) Act 1947, and other expressions have the same meanings as in the Local Government (Scotland) Act 1966.
- (8) This section extends to Scotland only.

#### **54 Rating in Northern Ireland**

- (1) For the purposes of any valuation lists coming into force for the year beginning 1st April in a relevant year the Secretary of State shall, after consultation with the Post Office and such associations of rating authorities and such rating authorities as he considers appropriate, by order determine the aggregate amount of the net annual value of the following hereditaments occupied by the Post Office for the purposes of telecommunication services, namely, posts, wires, underground cables and ducts, telephone kiosks and other equipment not within a building.
- (2) The aggregate amount determined under subsection (1) above shall be apportioned by the Commissioner of Valuation for Northern Ireland in the valuation lists prepared by him among the areas of local authorities in such manner as the Secretary of State may by order prescribe.
- (3) An order under subsection (1) above may, if the Secretary of State thinks fit, provide, with respect to each of the years subsequent to the first with respect to which the order has effect or with respect to such of those years as may be specified in the order.—
  - (a) for the aggregate amount referred to in that subsection to be re-determined in manner prescribed by the order; or
  - (b) for the apportioned parts of that amount to be varied in manner so prescribed ;and, where such an order includes such provision as is authorised by paragraph (a) above to be included therein, the aggregate amount, as re-determined in accordance with the order, shall be apportioned among the areas of the local authorities in which the hereditaments in question are situate in like manner as that amount, as determined by the order, was apportioned.
- (4) Where an order under this section includes any such provision as is authorised by the last foregoing subsection to be included therein it may, further, include provision for effecting such alterations in net annual values shown in valuation lists as are rendered requisite in consequence of an apportionment effected by virtue of that subsection or a variation effected by virtue of the order and for any incidental, supplementary or consequential matters for which it appears to the Secretary of State requisite to provide for the purposes of the order.

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- (5) Where the Secretary of State makes an order under subsection (1) above which includes any such provision as is authorised by subsection (3) above, any such hereditament as is mentioned in subsection (1) above shall, for the purposes of sections 4 and 5 of the Valuation (Ireland) Act 1854, be deemed to have been included in any lists prepared under those sections for any year in which any re-determination or variation effected by virtue of the order has effect.
- (6) The Commissioner of Valuation for Northern Ireland shall not—
- (a) make any interim revision of the net annual value of any such hereditament as is mentioned in subsection (1) above; or
  - (b) except as authorised by virtue of the foregoing provisions of this section, make any annual revision of any such hereditament as is so mentioned.
- (7) The Post Office shall, for the purposes of section 4 of the Rating and Valuation (Apportionment) Act (Northern Ireland) 1928, be deemed not to be a public supply undertaking.
- (8) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
- " annual revision " means a revision under section 5 of the Valuation (Ireland) Act 1854 ;
  - " interim revision " means a revision under section 13 of the Local Government (Finance) Act (Northern Ireland) 1936 or section 4 of the Valuation Acts Amendment Act (Northern Ireland) 1953 ;
  - " local authorities " means the councils of counties, county and other boroughs and of urban and rural districts;
  - " relevant year " means—
- (a) unless the third general revaluation comes into force before 1st April, 1973, the year 1973 ;
  - (b) until the third general revaluation comes into force, each successive fifth year after the year 1973 ;
  - (c) the calendar year in which the third, and any subsequent, general revaluation first comes into force.
- (10) This section extends to Northern Ireland only.

### *Lands*

## **55 Compulsory purchase of land in Great Britain**

- (1) The Minister may authorise the Post Office to purchase compulsorily any land in Great Britain which is required by it for, or in connection with, the exercise of its powers or as to which it can reasonably be foreseen that it will be so required ; and the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory purchase of land in Great Britain by the Post Office as if the Post Office were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act.
- (2) The power of purchasing land compulsorily in this section shall include power to acquire, by the creation of a new right, an easement or other right over land, other

than land which would, for the purposes of the Acquisition of Land (Authorisation Procedure) Act 1946, form part of a common, open space or fuel or field garden allotment.

- (3) In the application of this section to Scotland, there shall be substituted, for any reference to the Acquisition of Land (Authorisation Procedure) Act 1946, a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and, for any reference to an easement, a reference to a servitude; and the reference in the last foregoing subsection to a fuel or field garden allotment shall be omitted.

## **56 Compulsory purchase of land in Northern Ireland**

- (1) Where the Post Office desires to acquire, otherwise than by agreement, any land in Northern Ireland required by it for, or in connection with, the exercise of its powers or as to which it can reasonably be foreseen that it will be so required, it may apply to the Minister for an order vesting that land in it, and the Minister shall have power to make such an order.
- (2) For the purposes of the acquisition of land by means of a vesting order under this section, Schedules 5 and 6 to the Roads Act (Northern Ireland) 1948 (as amended by any enactment of the Parliament of Northern Ireland passed before the passing of this Act) are hereby incorporated in this Act subject to the modifications specified in Schedule 3 to this Act.
- (3) The Acquisition of Land (Assessment of Compensation) Act 1919 shall, in its application to any land vested in the Post Office by an order made under this section, have effect as amended by the Lands Tribunal and Compensation Act (Northern Ireland) 1964.
- (4) In this section, and in Schedule 3 to this Act and in the said Schedule 5 as incorporated in this Act, "land" has the meaning assigned to it by section 45(1)(a) of the Interpretation Act (Northern Ireland) 1954 and, in Schedule 3 to this Act and in the said Schedule 5 as so incorporated, "estate" has the meaning assigned to it by section 45(2) of that Act.

## **57 Entry, for exploratory purposes, on land in England or Wales**

- (1) A person duly authorised in writing by the Post Office may, at any reasonable time, enter upon and survey any land in England or Wales other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of its business.
- (2) Sections 211(6) and 212(1) to (3) and (6) of the Town and Country Planning Act 1962 (which contain supplementary provisions relating to the powers of entry conferred by section 211(1) to (5) thereof) shall have effect in relation to the power conferred by this section as they have effect in relation to the powers conferred by the said section 211, subject, however, to the following modifications, namely.—
  - (a) that section 211(6) (which relates to power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein) shall so have effect as if the words "or the presence of minerals therein" were omitted; and
  - (b) that section 212(1) (which requires twenty-four hours' notice to be given of an intended entry upon occupied land) shall so have effect as if, for the words "twenty-four hours", there were substituted the words "twenty-eight days".

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- (3) Where, in an exercise of the power conferred by this section, any damage is caused to land or to chattels, any person interested in the land or chattels may recover from the Post Office compensation in respect of the damage; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or chattels, he may recover from the Post Office compensation in respect of the disturbance.
- (4) Section 128 of the Town and Country Planning Act 1962 (which provides for the determination of disputes as to compensation under Part VII of that Act) shall apply to any question of disputed compensation under this section.
- (5) This section shall come into operation on the appointed day.

### **58 Entry, for exploratory purposes, on land in Scotland**

- (1) A person duly authorised in writing by the Post Office may, at any reasonable time, enter upon and survey any land in Scotland, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of its business.
- (2) Subsections (4) to (6) and subsection (9) of section 99 of the Town and Country Planning (Scotland) Act 1947 (supplementary provisions as to powers of entry) shall have effect in relation to the power conferred by this section as they have effect in relation to the powers conferred by the said section 99 subject, however, to the following modifications, namely.—
  - (a) that section 99(4) (twenty-four hours' notice to be given of an intended entry upon occupied land) shall so have effect as if, for the words, " twenty-four hours ", there were substituted the words " twenty-eight days "; and
  - (b) that section 99(9) (power to search and bore for minerals, &c.) shall so have effect as if the words " or the presence of minerals therein " were omitted.
- (3) Where, in an exercise of the power conferred by this section, any damage is caused to land or to corporeal moveables, any person interested in the land or corporeal movables may recover from the Post Office compensation in respect of the damage; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or corporeal moveables, he may recover from the Post Office compensation in respect of the disturbance.
- (4) Any question arising under this section as to the effect of damage or as to the amount of compensation shall, in the case of dispute be determined by arbitration, and the reference in such an arbitration shall be to a single arbiter to be appointed by agreement between the parties or, in default of an agreement, by the Minister.
- (5) This section shall come into operation on the appointed day.

### **59 Entry, for exploratory purposes, on land in Northern Ireland**

- (1) A person duly authorised in writing by the Post Office may, at any reasonable time, enter upon and survey any land in Northern Ireland, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of its business.
- (2) Subsections (2) to (5) and (8) of section 40 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (which contain supplementary provisions relating to the power of entry conferred by subsection (1) of that section)

shall have effect in relation to the power conferred by this section as they have effect in relation to the power conferred by the said subsection (1), subject, however, to the following modifications, namely.—

- (a) that section 40(2) (which relates to power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein) shall so have effect as if the words " or the presence of minerals therein " were omitted ; and
  - (b) that section 40(3)(b) (which requires three days' notice to be given of an intended entry upon occupied land) shall so have effect as if, for the word " three ", there were substituted the word " twenty-eight ".
- (3) Where, in an exercise of the power conferred by this section, any damage is caused to land or to chattels, any person interested in the land or chattels may recover from the Post Office compensation in respect of the damage; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or chattels, he may recover from the Post Office compensation in respect of the disturbance.
  - (4) Section 31 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (which provides for the determination of disputes as to compensation under Part III of that Act) shall apply to any question of disputed compensation under this section.
  - (5) This section shall come into operation on the appointed day.

**60 Application, to acquisitions of land by the Post Office by agreement, of certain statutory provisions relating to compulsory purchase**

- (1) For the purpose of the acquisition by the Post Office by agreement of land in England or Wales, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 27 and section 31 shall apply.
- (2) For the purpose of the acquisition by the Post Office by agreement of land in Scotland, section 37(2) of the Town and Country Planning (Scotland) Act 1947 (incorporation of Lands Clauses Acts) shall, with any necessary modifications, apply for the purposes of this Act as it applies for the purposes of that Act.
- (3) For the purpose of the acquisition by the Post Office by agreement of land in Northern Ireland, the Lands Clauses Acts shall be incorporated with this Act except for sections 127 to 133 (sale of superfluous land) and sections 150 and 151 (access to the special Act) of the Lands Clauses Consolidation Act 1845.

**61 Power to sell to the Post Office land belonging to Her Majesty in right of the Duchy of Lancaster**

The Chancellor and Council of the Duchy of Lancaster may, if they think fit, agree with the Post Office for the sale, and absolutely make sale, for such sum of money as appears to them to be sufficient consideration for the same, of any land belonging to Her Majesty in right of the Duchy of Lancaster which the Post Office seeks to acquire in exercise of the power conferred on it by virtue of section 7(2)(f) of this Act.

**62 Requisitions on title as to Treasury consent to dealings with land precluded**

A person dealing with the Post Office in respect of land shall not be bound or entitled to inquire whether the consent of the Treasury to any previous dealing with the land was requisite or whether, if it was, it was given.

### **63 Status of land vested in the Post Office by virtue of Part III**

Land vested in the Post Office by virtue of this Part of this Act shall be deemed for all purposes to have been acquired by it for the purposes of its undertaking.

#### *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.



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- (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

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- (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.—
- (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

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- (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;

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*Status: This is the original version (as it was originally enacted).*

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" 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;

" 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;
    - (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

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*Status: This is the original version (as it was originally enacted).*

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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.

*Extent of Part III and related Schedules*

**88      Extent of Part III and related Schedules**

- (1) The following shall extend to the Isle of Man and the Channel Islands, namely.—
- (a) this Part of this Act, except sections 76 and 77 and any provision which, by its terms, is limited in its operation to a part of the United Kingdom ; and
  - (b) Schedules 1 and 2 to this Act.
- (2) Section 76 of, and Schedule 4 to, this Act shall—
- (a) in their application to an enactment that is expressed (either in the Act containing it or in another Act, and either directly or indirectly) to extend to the Isle of Man, extend to that Isle ; and
  - (b) in their application to an enactment that is so expressed to extend to the Channel Islands, extend to those Islands.
- (3) Section 67(1) of the Civil Aviation Act 1949 (power of Her Majesty in Council by Order to direct that any of the provisions of that Act shall extend to any of the Channel Islands and to the Isle of Man) shall have effect as if the reference to any of the provisions of that Act included a reference to section 76 of, and Schedule 4 to, this Act so far as relating to that Act.
- (4) Section 77 of, and Schedule 5 to, this Act—
- (a) shall, except so far as relating to the Post Office (Protection) Act 1884, extend to the Isle of Man; and
  - (b) shall, except so far as relating to that Act and the Telegraph Act 1863, extend to the Channel Islands.
- (5) Subsections (1), (2) and (4) above shall have effect subject to the provisions of any Order in Council made under the last foregoing section.
- (6) Sections 24(2) and 65(2) of this Act shall, in their application to the Isle of Man, have effect with the substitution, for the references to indictment, of references to information.