



# Post Office Act 1969

## 1969 CHAPTER 48

### PART III

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

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

**C1** Pt. III (ss. 6–88) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), [Sch. 13 para. 13\(c\)](#)

#### *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; <sup>F1</sup> . . .
- (2) The Post Office shall consist of a chairman and, to a number not exceeding [<sup>F2</sup>nineteen] nor falling short of—
  - (a) <sup>F3</sup> . . . . .
  - (b) six, <sup>F1</sup> . . .of other members, whether part-time or full-time.
- (2A)
- <sup>F4</sup>(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.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

- (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.

#### Textual Amendments

- F1** Words repealed by [British Telecommunications Act 1981 \(c. 38\)](#), **Sch. 6 Pt. I**  
**F2** Word substituted by [Post Office Act 1977 \(c. 44\)](#), **s. 1(1)**  
**F3** [S. 6\(2\)\(a\)](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), **Sch. 6 Pt. I**  
**F4** [S. 6\(2A\)](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), **Sch. 6 Pt. I**

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

## 7 Powers of the Post Office.

- (1) The Post Office shall have power—

- <sup>F5</sup>(a) to provide postal services (including cash on delivery services) and telepost services;
- (b) to provide banking services 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;
- <sup>F6</sup>(bb) [ to provide, in such parts of post offices as are open to the public (whether for the transaction of postal business or otherwise), such services provided by means of telecommunication systems as it thinks fit;]
- <sup>F7</sup>(c) [ to perform any services for any public telecommunications operator or any subsidiary of any such operator;]
- (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;
- (e) to perform services for local authorities or national health service authorities][<sup>F8</sup>and]
- <sup>F8</sup>(ee) with the consent of, or in accordance with the terms of a general authorisation given by, the Secretary of State, to perform, in such parts of post offices as are open to the public for the transaction of postal business, such services for any operator of a public passenger transport service (within the meaning of the Transport Act 1985), or any subsidiary of such an operator, as it thinks fit, being services which are connected with the provision of public passenger transport services; and]
- (f) with the consent of, or in accordance with the terms of a general authorisation given by, the Secretary of State, to perform, in such parts of post offices as are open to the public for the transaction of postal business, such services for such bodies falling within subsection (1A) below as it thinks fit.

- <sup>F9</sup>(1A) The bodies referred to in subsection (1)(f) above are—

- (a) any body corporate—
  - (i) which supplies goods or services by way of business;
  - (ii) the affairs of which are managed by its members; and



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- (iii) the members of which hold office as such by virtue of their appointment to that or another office by a Minister of the Crown under any enactment;
- (b) [<sup>F10</sup>the London Transport Executive and] any passenger transport executive [<sup>F11</sup>established under section 9(1)(b)] [<sup>F11</sup>for the purposes of Part II] of the <sup>M1</sup>Transport Act 1968;
- <sup>F12X1</sup>(c) [any statutory water undertaker within the meaning of the <sup>M2</sup>Water Act 1973;]
- <sup>F12</sup>(c) [the National Rivers Authority or any water undertaker or sewerage undertaker;]
- <sup>F13</sup>(ca) [a public gas supplier (within the meaning of Part I of the Gas Act 1986);]
- <sup>F14</sup>(cb) [a public electricity supplier (within the meaning of Part I of the Electricity Act 1989);]
- (d) the British Broadcasting Corporation;
- (e) any body corporate with a statutory duty to promote and assist the maintenance and development of the efficient supply of any goods or services by a body falling within paragraphs (a) to (d) above; or
- (f) any wholly owned subsidiary of a body falling within paragraphs (a) to (e) above <sup>F15</sup> . . . ;

but the Secretary of State may by order made by statutory instrument exclude from this subsection such bodies or bodies of such descriptions as may be specified in the order.]

- (2) The Post Office shall have power, for the purpose of securing the effective exercise of any of the powers conferred on it by [<sup>F16</sup>subsection (1) above], 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 [<sup>F16</sup>subsection (1) above], 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



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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 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.



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- (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.

#### Editorial Information

- X1** S. 7 (1A)(c) commencing “the National Rivers Authority” substituted (E.W.) for s. 7(1)(c) commencing “any statutory water” by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. [58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 25](#) para. (39), Sch. 26 paras. [3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#)

#### Textual Amendments

- F5** S. 7(1)(a)–(e) substituted for s. 7(1)(a)–(d) by [British Telecommunications Act 1981 \(c. 38\)](#), s. [58\(1\)](#)
- F6** S. 7(1)(bb) inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. [99\(1\)](#), [109](#)
- F7** S. 7(1)(c) substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. [109](#), Sch. 4 para. [50](#), [Sch. 5 para. 45](#)
- F8** S. 7(1)(ee) substituted (E.W.S.) for “and” by [Transport Act 1985 \(c. 67, SIF 126\)](#), [Sch. 7 para. 13\(a\)](#)
- F9** S. 7(1A) inserted by [British Telecommunications Act 1981 \(c. 38\)](#), s. [58\(3\)](#)
- F10** Words repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. [71\(3\)\(a\)\(b\)](#), Sch. 6 para. [6\(a\)](#), Sch. 7
- F11** Words commencing “for the purposes” substituted (E.W.S.) for words commencing “established under” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. [57\(6\)](#), [Sch. 3 para. 22](#)
- F12** S. 7(1A)(c) commencing “the National Rivers Authority” substituted (E.W.) for s. 7(1)(c) commencing “any statutory water” by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. [58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)–\(10\)](#), [190](#), [193\(1\)](#), [Sch. 25](#) para. (39), Sch. 26 paras. [3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#)
- F13** S. 7(1A)(ca) inserted (E.W.S.) by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. [67\(1\)\(3\)](#), Sch. 7 para. [10](#), [Sch. 8 para. 33](#)
- F14** S. 7(1A)(cb) inserted (E.W.S.) by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. [112\(1\)\(3\)](#), Sch. 16 para. [15](#), Sch. 17 paras. [33](#), [35\(1\)](#)
- F15** S. 7(1A)(f): words “or any subsidiary (whether wholly owned or not) of London Regional Transport (within the meaning of the London Regional Transport Act 1984)” inserted (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. [71\(3\)\(a\)](#), [Sch. 6 para. 6\(b\)](#) and repealed by virtue of [Transport Act 1985 \(c. 67, SIF 126\)](#), [Sch. 7 para. 13\(b\)](#), Sch. 8
- F16** Words substituted by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 3 para. 51\(1\)](#)

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

- C2** Power to modify s. 7(1)(b) conferred by [Banking and Financial Dealings Act 1971 \(c. 80\)](#), s. [2\(1\)\(f\)](#)

#### Marginal Citations

- M1** [1968 c. 73](#).
- M2** [1973 c. 37](#)



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## 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) <sup>F17</sup> .....

### Textual Amendments

**F17** [S. 8\(b\)](#) repealed by Overseas Development and Co-operation Act 1980 (c. 63), Sch. 2 Pt. I

## 9 ..... <sup>F18</sup>

### Textual Amendments

**F18** [Ss. 9, 11\(7\)](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. II](#)

## 10 Power to promote and oppose Bills, &c.

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 <sup>M3</sup>Private Legislation Procedure (Scotland) Act 1936.

### Modifications etc. (not altering text)

**C3** Reference to Bills in the Parliament of Northern Ireland to be construed as including reference to proposed Measures in the Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 1\(3\)](#)

### Marginal Citations

**M3** [1936 c. 52.](#)

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

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

[<sup>F19</sup>(1) The Post Office shall give effect to any direction given to it by the Secretary of State under the provisions of this Part of this Act or Part II of the <sup>M4</sup>British Telecommunications Act 1981 and shall secure, so far as appropriate, that each of its wholly owned subsidiaries also gives effect to any such direction.

(1A) The Secretary of State 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 Secretary of State 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.



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(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 [<sup>F20</sup>or any wholly owned subsidiary of its] 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 [<sup>F21</sup>the provisions of Part II of the said Act of 1981] , 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 [<sup>F22</sup>the Post Office or subsidiary ceases so to do].

[<sup>F23</sup>(5) The Secretary of State may, after consultation with the Post Office, direct the Post Office—

- (a) to make a scheme under subsection (1) of section 60 of the said Act of 1981, or to exercise its powers under subsection (4) of that section, for such purposes and in such manner as may be specified in the direction; or
- (b) to dispose of any part of its undertaking or any assets held by it or to exercise its control over any wholly owned subsidiary of its so as to cause the subsidiary to dispose of any part of its undertaking or any assets held by it;

but the Secretary of State shall not give any direction under paragraph (b) above unless he is satisfied that he will not thereby impede or prevent the proper discharge of the Post Office's duty under section 59(1) of the said Act of 1981.

(5A) The Secretary of State shall lay before each House of Parliament a copy of every direction given under subsection (5) above unless he is of opinion that disclosure of the direction is against—

- (a) the interests of national security; or
- (b) the commercial interests of any person.]

(6) The Post Office shall not disclose any [<sup>F24</sup>direction] given to it under any of the foregoing provisions of this section if the Minister notifies it that he is of opinion that [<sup>F25</sup>disclosure of the direction is against—

- (i) the interests of national security; or



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(ii) the commercial interests of a person other than the Post Office and its wholly owned subsidiaries]

(7)

<sup>F26</sup>(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.

[<sup>F27</sup>(9) The Post Office, in such manner and at such times as the Secretary of State may specify in writing to it, shall furnish him with such information—

(a) as he may so specify, and

(b) as the Post Office has or can reasonably be expected to obtain,

with respect to such matters relating to the Post Office or its subsidiaries or the activities (past, present or future), plans or properties of any of them as the Secretary of State may so specify.]

(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 [<sup>F28</sup>performance by it and its subsidiaries of its and their 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 [<sup>F29</sup>Part of this Act or Part II of the said Act of 1981] by the Minister to the Post Office during that year, except such (if any) as were the subject of notifications under [<sup>F30</sup>subsection (6)(a) above].

#### Textual Amendments

**F19** S. 11(1)(1A) substituted for s. 11(1) by [British Telecommunications Act 1981 \(c. 38\), s. 62\(1\)](#)

**F20** Words inserted by [British Telecommunications Act 1981 \(c. 38\), s. 62\(2\)\(a\)](#)

**F21** Words substituted by [British Telecommunications Act 1981 \(c. 38\), s. 62\(2\)\(b\)](#)

**F22** Words substituted by [British Telecommunications Act 1981 \(c. 38\), s. 62\(2\)\(c\)](#)

**F23** S. 11(5)(5A) substituted for s. 11(5) by [British Telecommunications Act 1981 \(c. 38\), s. 62\(3\)](#)

**F24** Word substituted by [British Telecommunications Act 1981 \(c. 38\), s. 62\(4\)\(a\)](#)

**F25** Words substituted by [British Telecommunications Act 1981 \(c. 38\), s. 62\(4\)\(b\)](#)

**F26** Ss. 9, 11(7) repealed by [British Telecommunications Act 1981 \(c. 38\), Sch. 6 Pt. II](#)

**F27** S. 11(9) substituted by [British Telecommunications Act 1981 \(c. 38\), s. 62\(6\)](#)

**F28** Words substituted by [British Telecommunications Act 1981 \(c. 38\), s. 62\(7\)](#)

**F29** Words substituted by [British Telecommunications Act 1981 \(c. 38\), s. 62\(8\)\(a\)](#)

**F30** Words substituted by [British Telecommunications Act 1981 \(c. 38\), s. 62\(8\)\(b\)](#)

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

**C4** S. 11(11) applied (22.3.2001) by [S.I. 2001/1148, art. 8\(1\)](#) (with [art. 34](#))

#### Marginal Citations

**M4** 1981 c. 38



*Status: Point in time view as at 01/02/1991.*

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## 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:—

[<sup>F31</sup>(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)

<sup>F32</sup>(4) The Post Office shall comply with a direction given to it under subsection (1), [<sup>F33</sup>or (2)] above.

(5) In the event of a dispute's arising as to the places at which, days on which or periods during which work is to be done in compliance with a direction given under subsection (1) above or licences are to be issued in compliance with a direction given under subsection (2) <sup>F34</sup> above, it shall be determined by the Minister.

(6) The Minister shall not give a direction under subsection (1), [<sup>F33</sup>or (2)] 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)

<sup>F32</sup>(10)<sup>F35</sup>

### Textual Amendments

**F31** S. 12(2)(a) repealed (E.W.S.) by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 41, [Sch. 7 Pt. IV](#)



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- F32** S. 12(3)(9) repealed by S.I. 1973/2095, **Sch. 2**  
**F33** Words substituted by S.I. 1973/2095, **Sch. 1 para. 6**  
**F34** Words repealed by S.I. 1973/2095, **Sch. 2**  
**F35** S. 12(10) repealed by British Telecommunications Act 1981 (c. 38), **Sch. 6 Pt. I**

**13** ..... **F36**

#### Textual Amendments

- F36** S. 13 repealed by British Telecommunications Act 1981 (c. 38), **Sch. 6 Pt. II**

### *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", [<sup>F37</sup>a users' council for Wales, to be called "the Post Office Users' Council for Wales"] 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,



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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 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;



*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** *There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

- (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)
- <sup>F38</sup>(19) The approval [<sup>F39</sup>the Treasury] 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.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

#### Textual Amendments

- F37** Words substituted by [S.I. 1974/595](#), **art. 3(14)**  
**F38** [S. 14\(18\)](#) repealed by British Telecommunications Act 1981 (c. 38, Sch. 6 Pt. I)  
**F39** Words substituted by virtue of [S.I. 1981/1670](#), **arts. 2(1)(a), 3(5)**  
**F40** [S. 14\(20\)](#) repealed by [House of Commons Disqualification Act 1975](#) (c. 24), **Sch. 3**

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

- C5** [Ss. 14, 15](#) restricted by [S.I. 1983/85](#), **art. 2(1)**  
**C6** [S. 14](#) amended by [Chronically Sick and Disabled Persons Act 1970](#) (c. 44), **s. 14** and [S.I. 1972/1816](#), **art. 4**  
**C7** Power to restrict [s. 14](#) conferred by [British Telecommunications Act 1981](#) (c. 38), **s. 65(1)**

### 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.

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

- C8** [Ss. 14, 15](#) restricted by [S.I. 1983/85](#), **art. 2(1)**  
**C9** Power to restrict [s. 15](#) conferred by [British Telecommunications Act 1981](#) (c. 38), **s. 65(1)**

### *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;
  - (c) the portions of the tube laid by the Pneumatic Despatch Company, Limited, that are vested in the Postmaster General under the <sup>M5</sup>Post Office (Pneumatic Tubes Acquisition) Act 1922;



*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)

- (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 <sup>M6</sup>Government Annuities Act 1929, the Post Office Savings Bank Acts 1954 and 1966, the <sup>M7</sup>National Debt Act 1958 or the <sup>M8</sup>National Loans Act 1968, not being telegraphic apparatus;
  - (b) records within the meaning of the <sup>M9</sup>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 <sup>M10</sup>Government Annuities Act 1929, the Post Office Savings Bank Acts 1954 and 1966, the <sup>M11</sup>National Debt Act 1958 or the <sup>M12</sup>National Loans Act 1968 (other than rights and liabilities that subsist by virtue of such a



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*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

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 <sup>M13</sup>Patents Act 1949 or paragraph 1 of Schedule 1 to the <sup>M14</sup>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).

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

- C10** Functions of Minister of Public Buildings and Works now exercisable by Secretary of State: [S.I. 1970/1681](#), [arts. 2, 3](#)

#### Marginal Citations

- M5** 1922 c. 43.  
**M6** 1929 c. 29.  
**M7** 1958 c. 6.  
**M8** 1968 c. 13.  
**M9** 1958 c. 51.  
**M10** 1929 c. 29.  
**M11** 1958 c. 6.  
**M12** 1968 c. 13.  
**M13** 1949 c. 87.  
**M14** 1949 c. 88.

17 ..... <sup>F41</sup>

#### Textual Amendments

- F41** [Ss. 17, 19](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. I](#)

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

- (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—



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

- (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 <sup>M15</sup>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 <sup>M16</sup>Registered Designs Act 1949 for either of these purposes, it shall be excepted from the operation of the foregoing subsection.

#### Marginal Citations

**M15** 1949 c. 87.

**M16** 1949 c. 88.

19 ..... F42

#### Textual Amendments

**F42** Ss. 17, 19 repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. I](#)

*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 <sup>M17</sup>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 of services rendered under that section shall become those of the Post Office;
  - (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;



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

- (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.

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

**C11** The text of ss. 20(2), 22(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M17** 1953 c. 36.

21 ..... F43

#### Textual Amendments

**F43** S. 21 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. I](#)

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

- (1) Any provision of the Sites Acts, the <sup>M18</sup>Post Office Extension Act 1865, the <sup>M19</sup>Manchester Post Office Act 1876, the <sup>M20</sup>Post Office (London) Railway Act 1913, the <sup>M21</sup>Post Office (Site and Railway) Act 1954, the <sup>M22</sup>Post Office Works Act 1959 or the <sup>M23</sup>Post Office Subway Act 1966 which is in force immediately before the



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects  
 for the Post Office Act 1969, Part III. (See end of Document for details)*

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 <sup>M24</sup>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 <sup>M25</sup>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.

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

- C12** The text of ss. 20(2), 22(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M18** 1865 c. 87.  
**M19** 1876 c. iii.  
**M20** 1913 c. cxvi.  
**M21** 1954 c. xxix.  
**M22** 1959 c. 43.  
**M23** 1966 c. 25.  
**M24** 1930 c. clxxix.  
**M25** 1950 c. v.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

#### Textual Amendments

**F44** Ss. 23–27 repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. II](#)

### *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 [<sup>F45</sup>except as provided by section 30(3) of this Act] 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 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.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

### Textual Amendments

**F45** Words inserted by [British Telecommunications Act 1981 \(c. 38\), s. 70\(6\)](#)

## *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) <sup>F46</sup> .....
  - (c) .....
  - <sup>F47</sup>(d) <sup>F46</sup> .....
- (2) No officer or servant of the Post Office or person who, not being such an officer or servant, is a sub-postmaster <sup>F48</sup> 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 [<sup>F49</sup>or any loss of, or damage to, a packet to which the next following section applies].
- (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 [<sup>F49</sup>or any loss of, or damage to, a packet to which the next following section applies].
- (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 <sup>M26</sup>Crown Proceedings Act 1947.

### Textual Amendments

**F46** [S. 29\(1\)\(b\)\(d\)](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), **Sch. 6 Pt. II**

**F47** [S. 29\(1\)\(c\)](#) repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 99(2), 109, **Sch. 7 Pt. I**

**F48** Words repealed by [British Telecommunications Act 1981 \(c. 38\)](#), **Sch. 6 Pt. II**

**F49** Words inserted by [British Telecommunications Act 1981 \(c. 38\)](#), **s. 70(7)**

### Modifications etc. (not altering text)

**C13** [S. 29](#) applied (with modifications) (22.3.2001) by [S.I. 2001/1148](#), **art. 9** (with [art. 34](#))

### Marginal Citations

**M26** [1947 c. 44.](#)



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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

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### **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 [<sup>F50</sup>packet to which this section applies] 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.
- [<sup>F51</sup>(3) The amount recoverable in any proceedings under this section in relation to a packet of any description shall not exceed—
  - (a) the market value of the packet at the time when the cause of action arises; or
  - (b) the maximum amount payable under a scheme made under section 28 of this Act for compensating the person aggrieved in respect of a packet of that description;and for the purposes of paragraph (a) above the market value of a packet shall not include the market value of any message or information which it bears or the market value of any item which, in relation to packets of that description, is excluded from the operation of this section by a scheme made under section 28 of this Act.]
- (4) The Post Office shall not be liable under this section in respect of a packet [<sup>F52</sup>of any description] unless any such conditions as are required by a scheme under section 28 of this Act to be complied with in relation to [<sup>F53</sup>packets of that description at the time when they are posted] 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 subsection, would have been recoverable by some other person, the money or property so recovered shall be held on trust for that other person.
- [<sup>F54</sup>(6A) For the purposes of this section a scheme made under section 28 of this Act may define a description of packet by reference to any circumstances whatever, including in particular the amount of any fee paid in respect of the packet in pursuance of the scheme.]



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

(7) In this section—

“agent” includes an independent contractor;

[<sup>F55</sup>“inland packet” means anything which is posted in the United Kingdom for delivery at a place in the United Kingdom to the person to whom it is addressed;]

[<sup>F56</sup>“packet to which this section applies” means any inland packet in respect of which, in pursuance of a scheme made under section 28 of this Act, the Post Office accepts liability under this section;]

“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 [<sup>F57</sup>packets to which this section applies];

and any reference in this section to the sender or addressee of a packet includes a reference to his personal representatives.

#### Textual Amendments

**F50** Words substituted by [British Telecommunications Act 1981 \(c. 38\), s. 70\(1\)](#)

**F51** [S. 30\(3\)](#) substituted by [British Telecommunications Act 1981 \(c. 38\), s. 70\(2\)](#)

**F52** Words inserted by [British Telecommunications Act 1981 \(c. 38\), s. 70\(3\)](#)

**F53** Words substituted by [British Telecommunications Act 1981 \(c. 38\), s. 70\(3\)](#)

**F54** [S 30\(6A\)](#) inserted by [British Telecommunications Act 1981 \(c. 38\), s. 70\(4\)](#)

**F55** Definition substituted by [S.I. 1973/960, art. 5](#)

**F56** Definition inserted by [British Telecommunications Act 1981 \(c. 38\), s. 70\(5\)\(a\)](#)

**F57** Words substituted by [British Telecommunications Act 1981 \(c. 38\), s. 70\(5\)\(b\)](#)

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

**C14** [S. 30](#) applied (with modifications) (22.3.2001) by [S.I. 2001/1148, art. 10](#) (art. 34)

### *Finance*

**31, 32.** ..... <sup>F58</sup>

#### Textual Amendments

**F58** [Ss. 31, 32, 34](#) repealed by [British Telecommunications Act 1981 \(c. 38\), Sch. 6 Pt. I](#)

### **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 <sup>M27</sup>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—



*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)

- (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 <sup>M28</sup>Post Office Act 1961 is prepared.

#### Marginal Citations

**M27** 1961 c. 15.

**M28** 1961 c. 15.

**34** ..... **F59**

#### Textual Amendments

**F59** Ss. 31, 32, 34 repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. I](#)

**35, 36.** ..... **F60**

#### Textual Amendments

**F60** Ss. 35, 36, 42 repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. II](#)

### **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 [<sup>F61</sup>section 73(1) or (2) of the <sup>M29</sup>British Telecommunications Act 1981].
- (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.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

- (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.

#### Textual Amendments

**F61** Words substituted by [British Telecommunications Act 1981 \(c. 38\), Sch. 3 para. 51\(3\)](#)

#### Marginal Citations

**M29** [1981 c. 38.](#)

### 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, [<sup>F62</sup>the payment of interest on and the discharge of any other financial obligation in connection with], 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.

#### Textual Amendments

**F62** Words substituted by [Miscellaneous Financial Provisions Act 1983 \(c. 29, SIF 29\), s. 4\(1\), Sch. 2](#)

### 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 <sup>F63</sup> of sums issued to him under subsection (3) of that section [<sup>F64</sup>and of sums paid or received by him under the <sup>M30</sup>Post Office (Banking Services) Act 1976]



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

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.

#### Textual Amendments

**F63** Word repealed by [Post Office \(Banking Services\) Act 1976 \(c. 10\), s. 5](#)

**F64** Words inserted by [Post Office \(Banking Services\) Act 1976 \(c. 10\), s. 5](#)

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

**C15** [S. 39](#) applied (22.3.2001) by [S.I. 2001/1148, art. 12](#) (with [art. 34](#))

#### Marginal Citations

**M30** [1976 c. 10.](#)

### 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, <sup>F65</sup>

#### Textual Amendments

**F65** Words repealed by [Banking Act 1979 \(c. 37\), Sch. 7](#)

#### 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.

#### 42 ..... <sup>F66</sup>

#### Textual Amendments

**F66** [Ss. 35, 36, 42](#) repealed by [British Telecommunications Act 1981 \(c. 38\), Sch. 6 Pt. II](#)



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

### *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 <sup>F67</sup> (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.

#### **Textual Amendments**

**F67** Words repealed by [Superannuation Act 1972 \(c. 11\)](#), s. 29(4), [Sch. 8](#)

#### **44 The Post Office to pay pensions, &c., 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 <sup>M31</sup>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 <sup>M32</sup>Government Annuities Act 1929, the <sup>M33</sup>Post Office Savings Bank Act 1954, the <sup>M34</sup>National Debt Act 1958, the <sup>M35</sup>Post Office Savings Bank Act 1966 and the <sup>M36</sup>National Loans Act 1968;
  - (b) any additional allowance or gratuity under the <sup>M37</sup>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;



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

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.

[<sup>F68</sup>(3) References in this section to the Superannuation Act 1965 shall be construed as including references to the principal civil service pension scheme within the meaning of section 2 of the <sup>M38</sup>Superannuation Act 1972 and for the time being in force.]

#### Textual Amendments

**F68** S. 44(3) inserted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 73](#)

#### Marginal Citations

**M31** 1965 c. 74.  
**M32** 1929 c. 29.  
**M33** 1954 c. 62.  
**M34** 1958 c. 6 (7 & 8 Eliz. 2).  
**M35** 1966 c. 12.  
**M36** 1968 c. 13.  
**M37** 1965 c. 74.  
**M38** 1972 c. 11.

45 ..... <sup>F69</sup>

#### Textual Amendments

**F69** S. 45 repealed by [Superannuation Act 1972 \(c. 11\), ss. 2\(12\), 29\(4\), Sch. 2, 8](#)

#### 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 <sup>M39</sup>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—



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

- (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.

[<sup>F70</sup>References in this section to the Superannuation Act 1965 shall be construed as including references to the principal civil service pension scheme within the meaning of section 2 of the <sup>M40</sup>Superannuation Act 1972 and for the time being in force.]

#### Textual Amendments

**F70** Words inserted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para. 74](#)

#### Marginal Citations

**M39** [1965 c. 74.](#)

**M40** [1972 c. 11.](#)

### 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.
- (2) It shall be assumed that, on the appointed day, the Minister is the holder of an amount of 2½% 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 2½% Consolidated Stock, that is to say, 5th January, 5th April, 5th July and 5th October (which days are hereafter in this section referred



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

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 2½% 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 2½% 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.

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

C16 S. 47(10) amended by S.I. 1983/326, art. 3(3)



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

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

Subsection (2) of section 6 of the <sup>M41</sup>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.

##### Marginal Citations

**M41** 1949 c. 39.

#### 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 [<sup>F71</sup>the Treasury], 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 <sup>M42</sup>Commonwealth Telegraphs Act 1949) and the scheme for the payment of pensions commonly known as the Cable and Wireless Staff Dependants' 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.

##### Textual Amendments

**F71** Words substituted by virtue of [S.I. 1981/1670](#), [arts. 2](#) (c), 3(5)



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

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

**C17** S. 49 extended by [Telecommunications Act 1984](#) (c. 12, SIF 96), s. 109, **Sch. 5 para. 46(2)**

**Marginal Citations**

**M42** 1949 c. 39.

**50** ..... <sup>F72</sup>

**Textual Amendments**

**F72** S. 50 repealed by [British Telecommunications Act 1981](#) (c. 38), **Sch. 6 Pt. I**

**51** ..... <sup>F73</sup>

**Textual Amendments**

**F73** S. 51 repealed by [National Insurance and Supplementary Benefit Act 1973](#) (c. 42), **Sch. 7**

**52**<sup>F74</sup> **Rating**

**53**<sup>F75</sup>

**54**<sup>F76</sup>

**Textual Amendments**

**F74** S. 52 repealed (E.W.) by [S.I. 1990/776](#), art. 3(1)(2), **Sch. 1** and s. 52(2)(3) repealed by [S.I. 1976/206](#), art. 7(b)(ii)

**F75** S. 53 repealed by [S.I. 1978/1173](#), **Sch.**

**F76** S. 54 repealed by [British Telecommunications Act 1981](#) (c. 38), **Sch. 6 Pt. II**

*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 [<sup>F77M43</sup>Acquisition of Land Act 1981] shall apply to the compulsory purchase of land in Great Britain by the Post Office <sup>F78</sup> . . . .
- (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 [<sup>F77M44</sup>Acquisition of Land Act 1981] form part of a common, open space or fuel or field garden allotment.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects  
 for the Post Office Act 1969, Part III. (See end of Document for details)*

- (3) In the application of this section to Scotland, there shall be substituted, for any reference to the [<sup>F77M45</sup>Acquisition of Land Act 1981], a reference to the <sup>M46</sup>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.

#### Textual Amendments

**F77** Words substituted by [Acquisition of Land Act 1981 \(c.67\)](#), [Sch. 4 para. 1](#)

**F78** Words repealed by [Acquisition of Land Act 1981 \(c.67\)](#), [Sch. 6](#)

#### Marginal Citations

**M43** [1981 c. 67.](#)

**M44** [1981 c. 67.](#)

**M45** [1946 c. 49.](#)

**M46** [1947 c. 42.](#)

## 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 <sup>M47</sup>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 <sup>M48</sup>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 <sup>M49</sup>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 <sup>M50</sup>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.

#### Marginal Citations

**M47** [1948 c. 28 \(N.I.\)](#)

**M48** [1919 c. 57.](#)

**M49** [1964 c. 29 \(N.I.\)](#)

**M50** [1954 c. 33 \(N.I.\)](#)



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

## 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) [<sup>F79</sup>Sections 324(8), 325(1) to (5), (8) and (9) of the Town and Country Planning Act 1990] (which contain supplementary provisions relating to the powers of entry conferred by [<sup>F80</sup>section 324(1) to (7) and (9) thereof]) shall have effect in relation to the power conferred by this section as they have effect in relation to the powers conferred by [<sup>F81</sup>the said section 324], subject, however, to the following modifications, namely,—
  - (a) that [<sup>F82</sup>section 324(8)] (which relates to power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals [<sup>F82</sup>in it]) shall so have effect as if the words “or the presence of minerals [<sup>F82</sup>in it]” were omitted; and
  - (b) that [<sup>F83</sup>section 325(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”.
- (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) [<sup>F84</sup>Section 118 of the Town and Country Planning Act 1990] (which provides for the determination of disputes as to compensation under [<sup>F85</sup>Part IV 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.

### Textual Amendments

- F79** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 24\(1\)\(a\)\(i\)](#)
- F80** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 24\(1\)\(a\)\(ii\)](#)
- F81** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 24\(1\)\(a\)\(iii\)](#)
- F82** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 24\(1\)\(a\)\(iv\)](#)
- F83** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 24\(1\)\(a\)\(v\)](#)
- F84** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 24\(1\)\(b\)\(i\)](#)
- F85** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 24\(1\)\(b\)\(ii\)](#)



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

## 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) [<sup>F86</sup>Sections 265(8) and 266(1) to (3) and (6) of the <sup>M51</sup>Town and Country Planning (Scotland) Act 1972] (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 [<sup>F86</sup>the said section 265] subject, however, to the following modifications, namely,—
  - (a) that [<sup>F86</sup>section 266(1)] (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 [<sup>F86</sup>section 265(8)] (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.

### Textual Amendments

**F86** Words substituted by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), [Sch. 21 Pt. II](#)

### Marginal Citations

**M51** [1972 c. 52](#).

## 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 <sup>M52</sup>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,—



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

- (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 <sup>M53</sup>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.

#### Marginal Citations

**M52** 1965 c. 23 (N.I.)

**M53** 1965 c. 23 (N.I.)

## 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 <sup>M54</sup>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 [<sup>F87</sup>109(2) of the <sup>M55</sup>Town and Country Planning (Scotland) Act 1972] (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 <sup>M56</sup>Lands Clauses Consolidation Act 1845.

#### Textual Amendments

**F87** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)

#### Marginal Citations

**M54** 1965 c. 56.

**M55** 1972 c. 52.

**M56** 1845 c. 18.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

**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 protection 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 <sup>M57</sup>Post Office Act 1953 or any regulations made under that section, to goods contained in postal packets, or to the powers conferred by section 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.

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

**C18** S. 64 applied (with modifications) (22.3.2001) by S.I. 2001/1148, art. 13 (with art. 34)



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

## Marginal Citations

M57 1953 c. 36.

65 ..... F88

## Textual Amendments

F88 S. 65 repealed with saving by [British Telecommunications Act 1981 \(c. 38\)](#), s. 89(4), [Sch. 6 Pt. II](#)

## 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.
- (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<sup>F89</sup>, 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<sup>M58</sup> 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 statutory provision or in the exercise and performance of powers conferred and duties imposed by a statutory provision.

(6)<sup>F90</sup>



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

#### Textual Amendments

**F89** Words repealed by [S.I. 1973/960, art. 6\(a\)](#)

**F90** [S. 66\(6\)](#) repealed by [S.I. 1973/960, art. 6\(b\)](#)

#### Marginal Citations

**M58** [1964 c. 40.](#)

### 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 ..... <sup>F91</sup>

#### Textual Amendments

**F91** [S. 68](#) repealed by [British Telecommunications Act 1981 \(c. 38\), Sch. 6 Pt. I](#)

### 69 Documentary evidence as to sums due for services.

(1)

<sup>F92</sup>(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 [<sup>F93</sup>evidence (and, in Scotland, sufficient evidence)] of that fact.

#### Textual Amendments

**F92** [S. 69\(1\)\(2\)](#) repealed by [British Telecommunications Act 1981 \(c. 38\), Sch. 6 Pt. II](#)

**F93** Words substituted by [British Telecommunications Act 1981 \(c.38\), Sch. 3 para. 51\(5\)](#)

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

**C19** [S. 69\(3\)](#) amended by [S.I. 1969/1368, art. 6](#), [1972/1816, art. 5](#) and [1973/960, art. 7](#)

[S. 69\(3\)](#) applied (with modifications) (22.3.2001) by [S.I. 2001/1148, art. 14](#) (with aert. 34)

### 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.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

- (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
  - (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 <sup>M59</sup>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.

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

**C20** S. 70 applied (with modification) (22.3.2001) by S.I. 2001/1148, art. 15 (with art. 34)

**C21** S. 70 amended by S.I. 1969/1368, art. 7 and 1973/960, art. 8.

**Marginal Citations**

**M59** 1953 c. 36.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

## 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 <sup>M60</sup>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.

### Modifications etc. (not altering text)

**C22** [S. 71](#) applied (with modifications) (22.3.2001) by [S.I. 2001/1148](#), [art. 16](#) (with [art. 34](#))

**C23** [S. 71](#) amended by [S.I. 1969/1368](#), [art. 7](#) and 1973/960, art. 8

### Marginal Citations

**M60** [1953 c. 36](#).

## 72 Remuneration of the Post Office for services rendered in relation to parliamentary elections.

- (1) In the case of a postal <sup>F94</sup> service rendered by the Post Office in pursuance of the [<sup>F95</sup>Representation of the People Act 1983] 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.

### Textual Amendments

**F94** Words repealed by [British Telecommunications Act 1981](#) (c. 38), [Sch. 6 Pt. II](#)

**F95** Words substituted by [Representation of the People Act 1983](#) (c. 2, SIF 42), s. 206, [Sch. 8 para. 11](#)

### Modifications etc. (not altering text)

**C24** [S. 72](#) extended with modifications (E.W.S.) by [S.I. 1986/2209](#), [regs. 2, 5\(3\)](#) and (N.I.) by 1986/2250, [regs. 2, 5\(3\)](#)

[S. 72](#) applied (with modifications)(E.W.S.)(28.4.1999) by [S.I. 1999/1214](#), [reg. 3\(3\)](#)

**C25** [S. 72](#) applied (with modifications)(N.I.)(25.4.1998) by [S.I. 1998/1126](#), [art. 6\(4\)](#)

**C26** [S. 72](#) applied (with modifications)(28.5.1998) by [S.I. 1998/1287](#), [arts. 1\(2\), 3\(4\)](#); [S.I. 1998/1313](#), [art. 2](#)

[S. 72](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), [art. 3\(3\)](#)

## 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



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

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) ..... <sup>F96</sup>
- (2) [<sup>F97</sup>The <sup>M61</sup>Capital Gains Tax Act 1979] 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.

### Textual Amendments

**F96** S. 74(1) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. I](#)

**F97** Words substituted by [Capital Gains Tax Act 1979 \(c. 14\)](#), [Sch. 7 para. 8\(b\)](#) Table Pt. II

### Marginal Citations

**M61** 1979 c. 14.

## 75 Records.

- (1) The <sup>M62</sup>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.

### Marginal Citations

**M62** 1958 c. 51.

## 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 <sup>M63</sup>Telegraph Act 1863, the <sup>M64</sup>Telegraph Act 1868, <sup>F98</sup> and the <sup>M65</sup>Post Office Act 1953.



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

#### Textual Amendments

**F98** Words repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. I](#)

#### Marginal Citations

**M63** [1863 c. 112](#).

**M64** [1868 c. 110](#).

**M65** [1953 c. 36](#).

**78** ..... **F99**

#### Textual Amendments

**F99** [S. 78](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. II](#)

### **79 Amendment of law as to packets addressed to a poste restante.**

Section 87(2)(c) of the <sup>M66</sup>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)".

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

**C27** The text of s. 79 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M66** [1953 c. 36](#).

### **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 [<sup>F100</sup>telepost] 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.

#### Textual Amendments

**F100** "telepost" substituted for "telecommunication", except in application to Isle of Man and Channel Islands, by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 3 para. 51\(6\)](#)



*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

## 81 Modification of enactments relating to wages councils.

- (1) <sup>F101</sup> . . . there shall be excluded from the workers in relation to whom the Road Haulage Wages Council (Northern Ireland) and any wages council established under [<sup>F102</sup>Part III of the Wages (Northern Ireland) Order 1988] 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 <sup>M67</sup>

(2)

<sup>F103</sup>(3)<sup>F104</sup>

### Textual Amendments

**F101** Words repealed by [Employment Act 1980 \(c. 42\)](#), [Sch. 2](#)

**F102** Words substituted by [S.I. 1988/796](#) art. 27(1), [Sch. 4](#) para. 3

**F103** [S. 81\(2\)](#) repealed by [Employment Act 1980 \(c. 42\)](#), [Sch. 2](#)

**F104** [S. 81\(3\)](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. I](#)

### Marginal Citations

**M67** [S.R. & O. 1952/193 \(N.I.\)](#)

82 . . . . . <sup>F105</sup>

### Textual Amendments

**F105** [Ss. 82, 85](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. I](#)

83 . . . . . <sup>F106</sup>

### Textual Amendments

**F106** [S. 83](#) repealed by [British Telecommunications Act 1981 \(c. 38, SIF 96\)](#), [Sch. 6 Pt. I](#) and expressed to be repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [s. 109](#), [Sch. 7 Pt. I](#)

## 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.



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*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

- (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 <sup>F107</sup>Northern Ireland Assembly] and “parliamentary” shall be construed accordingly.

#### Textual Amendments

**F107** Words substituted by [S.I. 1973/2163](#), [Sch. 5 para. 20\(a\)](#)

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

**C28** Reference to Governor of Northern Ireland to be construed as reference to Secretary of State: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 4\(1\)](#)

**85** ..... <sup>F108</sup>

#### Textual Amendments

**F108** [Ss. 82, 85](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. I](#)

## **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 <sup>F109</sup>subject to section 75(5) of the <sup>M68</sup>British Telecommunications Act 1981] 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;

“foreign administration” means a postal administration other than the Post Office;

“harbour”, except in relation to Northern Ireland <sup>F110</sup>, has the same meaning as in the <sup>M69</sup>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 <sup>F110</sup>;



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*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

“harbour authority”, except in relation to Northern Ireland <sup>F110</sup>, 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 <sup>F110</sup>;

“hovercraft” has the same meaning as in the <sup>M70</sup>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, <sup>F111</sup> or [<sup>F112</sup>district], <sup>F113</sup>, the council of a London borough [<sup>F114</sup>...], a joint authority established by Part IV of the Local Government Act 1985] or the Common Council of the City of London;
- (b) in relation to Scotland, means a [<sup>F116</sup>regional, islands or district] council;
- [<sup>F117</sup>(c) in relation to Northern Ireland, means a district council, the Northern Ireland Housing Executive, the Northern Ireland Electricity Service or an Education and Library Board;]

“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 [<sup>F118</sup>Regional Health Authority, Area Health Authority, [<sup>F119</sup>District Health Authority] special health authority or Family Practitioner Committee][<sup>F120</sup>board of governors of a teaching hospital];
- (b) in relation to Scotland, means [<sup>F121</sup>a Health Board or the Common Services Agency for the British Health Service constituted under the <sup>M71</sup>National Health Service (Scotland) Act [<sup>F122</sup>1978]];
- (c) in relation to Northern Ireland, [<sup>F118</sup>means a Health and Social Services Board, the Northern Ireland Central Services Agency for the Health and Social Services or the Northern Ireland Staffs Council for the Health and Social Services established under the Health and Personal Social Services (Northern Ireland) Order 1972];

“statutory provision”, except in relation to Northern Ireland <sup>F110</sup> has the same meaning as in section 57(1) of the <sup>M72</sup>Harbours Act 1964, in relation to Northern Ireland, has the same meaning as in section 1(f) of the <sup>M73</sup>Interpretation Act (Northern Ireland) 1954 <sup>F110</sup>

[<sup>F123</sup>“telecommunication system” has the meaning given by subsection (1) of section 4 of the Telecommunications Act 1984 (read with subsection (2) of that section);

“telepost service” means a service whereby the Post Office does all or any of the following things, namely—

- (a) receives or collects in whatever form communications which are to be sent by means of a telecommunication system;
- (b) sends or receives by means of such a system communications which have been received or collected, or are to be delivered, by it in whatever form: and
- (c) delivers in whatever form communications which have been sent by means of such a system.]

- (2) Any reference in this Part of this Act to a subsidiary shall be construed in accordance with [<sup>F124</sup>section 736 of the Companies Act 1985] and any reference therein to a wholly



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*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)*

owned subsidiary shall be construed in accordance with [<sup>F124</sup>section [<sup>F125</sup>736]] of that Act.

(3)

<sup>F126</sup>(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 [<sup>F127</sup>section 7(1)(c), (d), (e) or (f)] of this Act, it has power to perform.

### Textual Amendments

- F109** Words inserted by [British Telecommunications Act 1981 \(c. 38\), Sch. 3 para. 51\(7\)\(a\)](#)
- F110** Words repealed by [S.I. 1973/960, art. 9](#)
- F111** Words repealed by [British Telecommunications Act 1981 \(c. 38, SIF 96\), s. 89, Sch. 6 Pt. I](#)
- F112** Word substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\), s. 179\(3\)](#)
- F113** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81\(1\), ss. 102\(2\)\(3\), Sch. 17](#)
- F114** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81\(1\), s.84\(1\), Sch. 14 para. 45](#)
- F115** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 231\(7\), 235\(6\), 237, Sch. 13](#)
- F116** Words substituted (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\), s. 214, Sch. 27 Pt. II para. 93](#)
- F117** [S. 86\(1\)\(c\)](#) substituted by [S.I. 1973/2095, Sch. 1 para. 8](#)
- F118** Words substituted by [National Health Service Reorganisation Act 1973 \(c. 32\), Sch. 4 para. 130](#)
- F119** Words inserted (E.W.) by [Health Services Act 1980 \(c. 53\), Sch. 1 para. 20](#)
- F120** Words saved in relation to Boards of Governors of certain teaching hospitals: [S.I. 1982/201, arts. 1\(2\), 2–4, Sch. 1](#)
- F121** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 145](#)
- F122** Word substituted by [National Health Service \(Scotland\) Act 1978 \(c. 29\), Sch. 16 para. 32](#)
- F123** Definitions substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 99\(3\)](#)
- F124** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\), s. 30, Sch. 2](#)
- F125** “736” substituted by [Companies Act 1989 \(c. 40, SIF 27\), s. 144\(4\), Sch. 18 para. 8](#)
- F126** [S. 86\(3\)](#) repealed by [British Telecommunications Act 1981 \(c. 38\), Sch. 6 Pt. II](#)
- F127** Words substituted by [British Telecommunications Act 1981 \(c. 38\), Sch. 3 para. 51\(7\)\(b\)](#)

### Modifications etc. (not altering text)

- C29** [S. 86\(1\)](#): by [s. 84\(2\)\(a\)](#) of the [Local Government Act 1985](#) it is provided that until 1.4.1986 references to the Inner London Education Authority in any amendment made by [Sch. 14](#) to the said Act shall be construed as references to the Inner London Interim Education Authority
- C30** [S. 86\(1\)](#) extended (E.W.) by [S.I. 1985/1884, art. 4\(f\)](#)
- C31** [S. 86\(1\)](#) amended by [S.I. 1987/2110, art. 8\(c\)](#)

### Marginal Citations

- M68** [1981 c. 38.](#)
- M69** [1964 c. 40.](#)
- M70** [1968 c. 59.](#)
- M71** [1978 c. 29.](#)
- M72** [1964 c. 40.](#)
- M73** [1954 c. 33 \(N.I.\)](#)



*Status: Point in time view as at 01/02/1991.*

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## **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 <sup>F128</sup>section 66(1) of the British Telecommunications Act 1981] and the administration in that Isle of postal services by, or under the authority of, that government instead of by the Post Office;
    - (ii)
  - <sup>F129</sup>(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 <sup>F128</sup>the said section 66(1)] and the administration in that Bailiwick of postal services by, or under the authority of, the States instead of by the Post Office;
    - (ii)
  - <sup>F130</sup>(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 <sup>F128</sup>the said section 66(1)] and the administration in that Bailiwick of postal services by, or under the authority of, the States instead of by the Post Office;
    - (ii)
- <sup>F131</sup>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 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.

### **Textual Amendments**

**F128** Words substituted by [British Telecommunications Act 1981 \(c. 38\) Sch. 3 para. 51\(8\)](#)

**F129** [S. 87\(1\)\(a\)\(ii\)](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. II](#)

**F130** [S. 87\(1\)\(b\)\(ii\)](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. II](#)

**F131** [S. 87\(1\)\(c\)\(ii\)](#) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. II](#)

### *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,—



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**Changes to legislation:** There are currently no known outstanding effects for the Post Office Act 1969, Part III. (See end of Document for details)

- (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)
- <sup>F132</sup>(4) <sup>M74</sup>Section 77 of, and Schedule 5 to, this Act—
- (a) shall, <sup>F133</sup>, extend to the Isle of Man; and
  - (b) shall, except so far as relating to <sup>F134</sup> 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)<sup>F135</sup>

#### Textual Amendments

**F132** S. 88(3) repealed by [Civil Aviation \(Amendment\) Act 1982 \(c. 1\)](#), **Sch. 2**

**F133** Words repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

**F134** Words repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

**F135** S. 88(6) repealed by [British Telecommunications Act 1981 \(c. 38\)](#), **Sch. 6 Pt. II**

#### Marginal Citations

**M74** 1949 c. 67.



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Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Post Office Act 1969, Part III.