



# Post Office Act 1969

## 1969 CHAPTER 48

### PART III

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

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

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

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

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

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

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

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

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

- (1) The privilege conferred by subsection (1) of the last foregoing section is not infringed by—
- (a) the running of a system in the case of which the only agency involved in the conveyance of things thereby conveyed is light and the things thereby conveyed are so conveyed as to be capable of being received or perceived by the eye and without more;
  - (b) the running by a person of a system in the case of which all the apparatus comprised therein is situate either—
    - (i) on a single set of premises occupied by him; or
    - (ii) in a vehicle, vessel, aircraft or hovercraft or in two or more vehicles, vessels, aircraft or hovercraft mechanically coupled together ; or
  - (c) the running by a single individual of a system in the case of which—
    - (i) all the apparatus comprised therein is under his control; and
    - (ii) everything conveyed by it that falls within paragraphs (a) to (d) of the said subsection (1) is conveyed solely for domestic purposes of his.
- (2) In the case of a business carried on by a person, the said privilege is not infringed by the running, for the purposes of that business, of a system with respect to which—
- (a) in a case in which all the apparatus therein comprised is situate in the British Islands, no person except him or the Post Office is concerned in the control of the apparatus;
  - (b) in any other case, no person except him or the Post Office is concerned in the control of so much of the apparatus as is so situate ;
- provided—
- (i) that nothing falling within paragraphs (a) to (d) of subsection (1) of the last foregoing section is conveyed by the system by way of rendering a service to another;
  - (ii) that, in so far as sounds or visual images are conveyed by the system, they are not conveyed for the purpose of their being heard or seen by persons other

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than the person carrying on that business or any servants of his engaged in the conduct thereof ;

(iii) that in so far as such signals as are mentioned in paragraph (c) of that subsection are conveyed by the system, they are not conveyed for the purpose of imparting matter otherwise than to the person carrying on that business, any servants of his engaged in the conduct thereof or things used in the course of that business and controlled by him; and

(iv) that, in so far as such signals as are mentioned in paragraph (d) of that subsection are conveyed by the system, they are not conveyed for the purpose of actuating or controlling machinery or apparatus used otherwise than in the course of that business.

(3) In the case of a system in the case of which all the apparatus therein comprised is let on hire by the Post Office, the said privilege is not infringed by the running of the system by the person to whom the apparatus is let on hire; and in the case of a system in the case of which part of the apparatus comprised therein consists of apparatus let on hire by the Post Office to a person, the said privilege is not infringed by the running by him of so much of the system as comprises the last-mentioned apparatus.

(4) In this section "business " includes a trade, profession or employment and includes any activity carried on by a body of persons, whether corporate or unincorporated, and " vessel" means a vessel of any description used in navigation.

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

(1) The privilege conferred by subsection (1) of section 24 of this Act is not infringed by a broadcasting authority by reason only of the transmission by it, by wireless telegraphy, of sounds or visual images from a transmitting station for general reception direct from that station, nor is it infringed by the reception of sounds or visual images transmitted, by wireless telegraphy, from a transmitting station for general reception direct from that station or through the medium of a relay service licensed under the Wireless Telegraphy Act 1949.

(2) In this section, "broadcasting authority " means a person licensed under the Wireless Telegraphy Act 1949 to broadcast programmes for general reception and " wireless telegraphy" has the same meaning as in that Act.

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

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

(2) A licence granted under the foregoing subsection shall, unless previously revoked in accordance with any terms in that behalf contained in the licence, continue in force for such period as may be specified therein.

(3) A licence granted under subsection (1) above may be granted either to all persons, to persons of a class or to a particular person, and may include (without prejudice to the power to impose conditions conferred by that subsection) conditions requiring the

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rendering to the Post Office of a payment on the grant of the licence or the rendering to it of periodic payments during the currency of the licence, or both.

- (4) A payment required by virtue of this section to be rendered to the Post Office may be recovered by it in any court of competent jurisdiction as if it were a simple contract debt.
- (5) A licence granted under subsection (1) above (not being one expressed to be granted to a specified person) shall be published in such manner as appears to the Post Office to be appropriate for bringing it to the attention of the persons for whose benefit it will enure, and a licence expressed to be so granted must be in writing.
- (6) No person shall be concerned to inquire whether the grant of a licence under subsection (1) above was, or was not, effected with the consent of, or in accordance with the terms of a general authority given by, the Minister; and the validity of a licence granted under that subsection shall not be impugned on the ground that it was granted neither with the consent of, nor in accordance with the terms of a general authority given by, him.
- (7) In the application of subsection (4) above to Scotland, the words " as if it were a simple contract debt" shall be omitted.
- (8) Section 6(1) of this Act shall not operate so as to preclude the grant by the Post Office before the appointed day of licences under subsection (1) above.
- (9) For the purposes of a licence granted under subsection (1) above, the definition of a class of persons may be framed by reference to any circumstances whatever.