

## SCHEDULES

### SCHEDULE 1

Sections 6, 43, 88.

#### INCIDENTAL PROVISIONS WITH RESPECT TO THE POST OFFICE AND THE MEMBERS THEREOF

##### *Status*

- 1       The Post Office shall be a body corporate having perpetual succession and a common seal.

##### *Members*

- 2       (1) A member of the Post Office shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.
- (2) As soon as possible after appointing a person to be a member of the Post Office, the Minister shall lay before each House of Parliament a statement of the term for which he has been appointed.
- (3) A member may at any time by notice in writing to the Minister resign his office.
- 3       (1) Before appointing a person to be a member of the Post Office the Minister shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the exercise and performance by him of his functions as a member of the Post Office, and the Minister shall also satisfy himself from time to time with respect to every member of the Post Office that he has no such interest; and a person who is, or whom the Minister proposes to appoint to be, a member of the Post Office shall, whenever requested by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this paragraph.
- (2) A member of the Post Office who is in any way directly or indirectly interested in a contract made or proposed to be made by the Post Office, or in a contract made or proposed to be made by a subsidiary of the Post Office which is brought up for consideration by the Post Office, shall disclose the nature of his interest at a meeting of the Post Office ; and the disclosure shall be recorded in the minutes of the Post Office, and the member shall not take any part in any deliberation or decision of the Post Office with respect to that contract.
- (3) For the purposes of the last foregoing sub-paragraph, a general notice given at a meeting of the Post Office by a member thereof to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm, shall be regarded as a sufficient disclosure of his interest in relation to any contract so made or proposed to be so made.
- (4) A member of the Post Office need not attend in person at a meeting of the Post Office in order to make a disclosure which he is required to make under this paragraph if

he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

4 (1) The Post Office—

- (a) shall pay to the members thereof such salaries or fees, and such allowances, as the Minister may determine ; and
- (b) as regards any member in whose case the Minister may so determine, shall pay such pension, allowance or gratuity to or in respect of him or make such payments towards the provision of such a pension, allowance or gratuity as may be so determined ;

and, if a person ceases to be a member of the Post Office and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may require the Post Office to pay to that person a sum of such amount as the Minister may determine.

- (2) The Minister shall, as soon as possible after the first appointment of a person as a member of the Post Office, lay before each House of Parliament a statement of the salary or fees and of the allowances that are or will be payable under this paragraph to him ; and if a subsequent determination by him under this paragraph involves a departure from the terms of that statement, or if a determination by him under this paragraph relates to the payment of, or to payment towards the provision of, a pension, allowance or gratuity to, or in respect of, a member of the Post Office, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

- (3) The approval of the Minister for the Civil Service shall be requisite to a determination under this paragraph by the Minister and to the imposition thereunder by him of a requirement.

5 (1) If the Minister is satisfied that a member of the Post Office—

- (a) has been absent from meetings of the Post Office for a period longer than three consecutive months without the permission of the Post Office ; or
- (b) has become bankrupt or made an arrangement with his creditors; or
- (c) is incapacitated by physical or mental illness ; or
- (d) is otherwise unable or unfit to discharge the functions of a member;

the Minister may declare his office as a member of the Post Office to be vacant, and shall notify the fact in such manner as the Minister thinks fit; and thereupon the office shall become vacant.

- (2) In the application of this paragraph to Scotland, for the references in head (b) of sub-paragraph (1) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

- 6 Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies certain commissions, tribunals and other bodies all members of which are disqualified under that Act) shall, in its application to the House of Commons of the United Kingdom, be amended by inserting, at the appropriate point in alphabetical order, the words " The Post Office ".

*Proceedings*

- 7 The validity of any proceedings of the Post Office shall not be affected by a vacancy amongst the members thereof or by a defect in the appointment of a member.
- 8 The quorum of the Post Office shall be three; and, while a member is disqualified from taking part in a decision or deliberation of the Post Office with respect to a matter, he shall be disregarded for the purpose of constituting a quorum of the Post Office for deciding, or deliberating on, that matter.
- 9 Subject to the foregoing provisions of this Schedule, the Post Office shall have power to regulate its own procedure.

*Staff*

- 10 The Post Office shall appoint a secretary of the Post Office and may appoint such other officers and such servants as it may determine.
- 11 (1) Except so far as the Post Office is satisfied that adequate machinery exists for achieving the purposes of this paragraph, being machinery for operation at national level or local level or a level falling between those levels and appearing to the Post Office to be appropriate, it shall be the duty of the Post Office to seek consultation with any organisation appearing to it to be appropriate with a view to the conclusion between it and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance, for operation at any such level as aforesaid, of machinery for—
- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Post Office, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements ;
  - (b) the promotion and encouragement of measures affecting efficiency, in any respect, in the carrying on by the Post Office of its activities, including in particular, the promotion and encouragement of the training of persons employed by the Post Office; and
  - (c) the promotion and encouragement of measures affecting the safety, health and welfare of persons so employed.
- (2) The Post Office shall send to the Minister and the Secretary of State copies of any such agreement as aforesaid and of any instrument varying the terms of any such agreement.
- (3) Where it falls to the Post Office to participate in the operation of machinery established under this paragraph and the operation involves discussion of a subject by other persons participating therein, the Post Office shall make available to those persons, at a reasonable time before the discussion is to take place, such information in its possession relating to the subject (other than information whose disclosure to those persons would, in the opinion of the Post Office, be undesirable in the national interest) as, after consultation with those persons, appears to the Post Office to be necessary to enable those persons to participate effectively in the discussion.
- (4) Nothing in this paragraph shall be construed as prohibiting the Post Office from taking part together with other employers or organisations of employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment and the promotion and encouragement of measures affecting efficiency in the carrying on of their activities and the promotion and

encouragement of measures affecting the safety, health and welfare of persons employed by them.

- (5) In the application of sub-paragraph (2) above to Northern Ireland, for the reference to the Secretary of State there shall be substituted a reference to the Ministry of Health and Social Services for Northern Ireland.
- 12 (1) Except with the Minister's consent, the Post Office shall not terminate on security grounds the employment of a person employed by it.
- (2) In this paragraph, " security grounds " means grounds which are grounds for dismissal from the civil service of Her Majesty in accordance with any arrangements for the time being in force relating to dismissals from that service for reasons of national security.

*Fixing of Seal and Proof of Instruments*

- 13 The fixing of the seal of the Post Office shall be authenticated by the signature of the secretary of the Post Office or of some other person authorised, either generally or specially, by the Post Office to act for that purpose.
- 14 A certificate signed by the secretary of the Post Office that an instrument purporting to be made or issued by or on behalf of the Post Office was so made or issued shall be conclusive evidence of that fact.
- 15 Every document purporting to be an instrument made or issued by or on behalf of the Post Office and to be duly executed under the seal of the Post Office, or to be signed or executed by the secretary of the Post Office or a person authorised by the Post Office to act in that behalf shall be received in evidence and deemed, without further proof, to be so made or issued unless the contrary is shown.