

Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1969, SCHEDULE 9. (See end of Document for details)

SCHEDULES

SCHEDULE 9 Section 138.

GENERAL TRANSITIONAL PROVISIONS

- 1
- (1) Section 3(1) of this Act shall not affect the validity of anything done by or in relation to the Postmaster General before the appointed day, being a thing done under or by virtue of the ^{M1}Wireless Telegraphy Act 1949, the ^{M2}Television Act 1964 or the ^{M3}Wireless Telegraphy Act 1967; and anything which, immediately before that day, is, under or by virtue of any of those Acts, in process of being done by or in relation to him (including, in particular, any legal proceeding to which he is a party) may be continued by or in relation to the Minister.

(2) Any notice served, approval or authority given or other thing whatsoever done under or by virtue of the Wireless Telegraphy Act 1949, the Television Act 1964 or the Wireless Telegraphy Act 1967 by the Postmaster General shall, if effective at the appointed day, continue in force and have effect as if similarly served, given or done by the Minister.

Marginal Citations	
M1	1949 c. 54.
M2	1964 c. 21.
M3	1967 c. 72.

- 2
- (1) Any agreement, and any provision in a document not being an agreement, shall, so far as may be necessary in consequence of the enactment of Part III of this Act, have effect as from the appointed day—

(a) as if references to the Crown, the Postmaster General, the Post Office or the Minister of Public Building and Works (except in cases where they fall to be adapted by head (b) or (c) below) were (or, if the context so requires, included) references to the authority established by section 6 of this Act;

(b) as if—

(i) references in general terms (however worded) to officers of the Postmaster General, to officers of the Post Office (otherwise than as defined by section 87(1) of the ^{M4}Post Office Act 1953), to officers of the Crown or to servants of the Postmaster General, the Post Office or the Crown were (or, if the context so requires, included) references to persons employed by the authority established by section 6 of this Act;

(ii) references in general terms (however worded) to officers of the Post Office as so defined were (or, if the context so requires, included) references to persons engaged in the business of the said authority;

(iii) references in general terms (however worded) to agents of the Postmaster General, the Post Office or the Crown were (or, if

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- the context so requires, included) references to agents of the said authority;
- (iv) references (however worded) to an officer of the Postmaster General or the Post Office holding a specified office were (or, if the context so requires, included) references to the person employed by the said authority who corresponds, as nearly as may be, to the first-mentioned officer; and
 - (v) references (however worded) to a servant of the Postmaster General, the Post Office or the Crown serving in a specified capacity were (or, if the context so requires, included) references to the person employed by the said authority who corresponds, as nearly as may be, to the first-mentioned servant;
- (c) as if references (whether express or implied and, if express, however worded) to property of the Crown or the Postmaster General or his department were (or, if the context so requires, included) references to property of the said authority and references (whether express or implied and, if express, however worded) to land or premises occupied by the Crown, the Postmaster General, his department or an officer or servant of the Crown or Postmaster General were (or, if the context so requires, included) references to land or premises occupied by the said authority;
 - (d) as if any reference to the making, under a government provision, of a payment to or in respect of a person in consequence of his becoming ill, being injured or dying, were a reference to the making, to or in respect of him in consequence of his becoming ill, being injured or dying, of a payment falling to be made by virtue of a condition of his service (whether binding in law or not) providing for the making, in consequence of his becoming ill, being injured or dying, of a payment to or in respect of him.
- (2) Without prejudice to the foregoing sub-paragraph, any agreement to which the Crown is a party, whether in writing or not, and whether or not of such a nature that rights and liabilities thereunder could be assigned by it, shall, as from the appointed day, have effect, so far as may be necessary for, or in consequence of, the vesting by virtue of Part III of this Act of property, rights or liabilities in the Post Office, as if the Post Office had been a party thereto.
 - (3) Without prejudice to sub-paragraph (1) above, where, by the operation of the said Part III, a right or liability becomes a right or liability of the Post Office, it and all other persons shall have the same rights, powers and remedies (and, in particular, the same rights, powers and remedies as to taking or resisting legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing it as they would have had if it had at all times been the right or liability of the Post Office; and legal proceedings or applications by or against the Crown, in so far as they relate to any property, rights or liabilities vested in the Post Office by virtue of sections 16 to 20 of this Act, or to any agreement or document which has effect in accordance with the foregoing provisions of this paragraph, shall not abate by reason of the Crown's ceasing to be interested in the subject-matter thereof but may be continued by or against the Post Office to the exclusion of the Crown.
- [^{F1}(4) With respect to instruments and documents executed or signed before the appointed day—
- (a) every instrument or document purporting to be executed or signed by or on behalf of the Postmaster General shall be deemed to be so executed or signed unless the contrary is shown; and

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- (b) a certificate signed before the appointed day by the Postmaster General that any instrument or document purporting to be executed or signed on his behalf was so executed or signed shall be conclusive evidence of that fact.]

Textual Amendments

F1 Para. 2(4) inserted by [British Telecommunications Act 1981 \(c. 38\)](#), [s. 89\(2\)](#)

Marginal Citations

M4 1953 c. 36.

- 3 (1)
F2F3 (2)
(3)
F2F4 (5)
(6)^{F2}

Textual Amendments

- F2 Sch. 9 paras. 3(1)(3)(4)(6), 4, 5, 8, 15, 16, 18, 19 repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. I](#)
F3 Sch. 9 para. 3(2) repealed (26.3.2001) by 2000 c. 26, s. 127(6), [Sch. 9](#); S.I. 2001/1148, art. 2, [Sch.](#) (with art. 34)
F4 Sch. 9 para. 3(5) repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), [Sch. 2](#) (with art. 4(11))

4^{F5}, 5.

Textual Amendments

- F5 Sch. 9 paras. 3(1)(3)(4)(6), 4, 5, 8, 15, 16, 18, 19 repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. I](#)

F6
6

Textual Amendments

- F6 Sch. 9 para. 6 repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), [Sch. 2](#) (with art. 4(11))

F7
7

Textual Amendments

- F7 Sch. 9 para. 7 repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), [Sch. 2](#) (with art. 4(11))

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Textual Amendments

F8 Sch. 9 paras. 3(1)(3)(4)(6), 4, 5, 8, 15, 16, 18, 19 repealed by [British Telecommunications Act 1981 \(c. 38\)](#), [Sch. 6 Pt. I](#)

- 9 (1) This paragraph applies to the following instruments, namely,—
- (a) the agreement dated 2nd April 1962 whereto the parties are the Postmaster General and the Commercial Cable Company, Incorporated (a company incorporated under the law of the State of New York of the United States of America);
 - (b) the agreement dated 1st April 1963 whereto the parties are the Postmaster General and the Compagnie Francaise des Câbles Télégraphiques S.A. (a company incorporated under the law of France);
 - (c) the agreement dated 27th December 1965 whereto the parties are the Postmaster General and Western Union International, Incorporated (a company incorporated under the law of the State of Delaware of the United States of America); and
 - (d) the licence dated 1st March 1966 whereto the parties are Her Majesty, the Crown Estate Commissioners, the Postmaster General and Det Store Nordiske Telegraf-Selskab Aktieselskab (a company incorporated under the law of the Kingdom of Denmark and commonly known in the United Kingdom, and in that licence referred to, as the Great Northern Telegraph Company Limited).
- (2) Nothing done, on or after the appointed day, under, and in accordance with the terms of, an instrument to which this paragraph applies, shall constitute an infringement of the privilege conferred by section 24(1) of this Act.
- 10 (1) Any licence operating by way of exception from the exclusive privilege conferred by section 4 of the ^{M5}Telegraph Act 1869 on the Postmaster General which is effective at the appointed day (not being a licence under the ^{M6}Wireless Telegraphy Act 1949) shall, as from that day, have effect as if it had been granted under section 27(1) of this Act and—
- (a) as if references to the Crown (except in contexts referring to a Minister of the Crown) or to the Postmaster General or the Post Office (except in cases where they fall to be adapted by head (b) below) were references to the authority established by section 6 of this Act; and
 - (b) as if—
 - (i) references in general terms (however worded) to officers of the Postmaster General, to officers of the Post Office (otherwise than as defined by section 87(1) of the ^{M7}Post Office Act 1953), or to servants of the Postmaster General or the Post Office were (or, if the context so requires, included) references to persons employed by the authority established by section 6 of this Act;
 - (ii) references in general terms (however worded) to officers of the Post Office as so defined were (or, if the context so requires, included) references to persons engaged in the business of the said authority;
 - (iii) references in general terms (however worded) to agents of the Postmaster General or the Post Office were (or, if the context so requires, included) references to agents of the said authority;

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- (iv) references (however worded) to an officer of the Postmaster General or the Post Office holding a specified office were references to the person employed by the said authority who corresponds, as nearly as may be, to the first-mentioned officer; and
 - (v) references (however worded) to a servant of the Postmaster General or the Post Office serving in a specified capacity were references to the person employed by the said authority who corresponds, as nearly as may be, to the first-mentioned servant.
- (2) Any instrument issued in pursuance of a licence falling within the foregoing sub-paragraph, being an instrument effective at the appointed day, shall, as from that day, have effect subject to the like modifications as those provided for by heads (a) and (b) of that sub-paragraph in the case of the licence.

Marginal Citations

- M5** 1869 c.73.
- M6** 1949 c. 54.
- M7** 1953 c. 36.

- 11 A notice or certificate given, request made or requirement imposed under any provision of the enactments relating to telegraphs by, to or on the Postmaster General which is effective at the appointed day shall, as from that day, have effect as if given, made or imposed by, to or on the Post Office.
- 12 An authority granted under section 5(1) of the ^{M8}Telegraph Act 1892 which is effective at the appointed day shall, as from that day, have effect as if it had been granted under that section as amended by paragraph 5 of Schedule 4 to this Act.

Marginal Citations

- M8** 1892 c. 59.

- 13 Any such council as is mentioned in the ^{M9}Telegraph Act 1899 which, at the beginning of the appointed day, is licensed by the Postmaster General to provide a system of public telephonic communication, shall, so long as the licence continues in force, be deemed, for the purposes of that Act, to be licensed by the Post Office so to provide.

Marginal Citations

- M9** 1899 c. 38.

^{F9}14

Textual Amendments

- F9** Sch. 9 para. 14 repealed (12.11.2003) by The Postal Services Act 2000 (Consequential Modifications) Order 2003 (S.I. 2003/2908), art. 1(2), **Sch. 2** (with art. 4(3))

15^{F10}, 16

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Textual Amendments

F10 Sch. 9 paras. 3(1)(3)(4)(6), 4, 5, 8, 15, 16, 18, 19 repealed by [British Telecommunications Act 1981](#) (c. 38), [Sch. 6 Pt. I](#)

- 17 (1) No steps shall be taken for the enforcement of a building law with respect to works on land that vests in the Post Office by virtue of section 16 of this Act, being works begun before the appointed day, or with respect to works on land begun by the Post Office before the expiration of six months beginning with that day; nor shall any proceedings for the recovery of a fine or other penalty be brought against the Post Office for having carried out or retained any such works as aforesaid which do not comply with a building law.
- (2) In the foregoing sub-paragraph, “building law” means any obligation or restriction as to the construction, nature or situation of works on land or as to any other circumstances of such works (including the use of the land) having effect by virtue of—
- (a)
 - (b) an enactment contained in Part II or IV of the ^{M10}Public Health Act 1936 or Part II of the ^{M11}Public Health Act 1961 or byelaws or regulations made under an enactment so contained;
 - (c) the London Building Acts 1930 to 1939 or byelaws made thereunder;
 - (d) [^{F11}the ^{M12}Thermal Insulation (Industrial Buildings) Act 1957 or regulations made thereunder];
 - (e) section 72, 73, 74, 75, 81 or 159 of the ^{M13}Highways Act 1959;
 - (f) paragraph 13, 15 or 18 of Part III of Schedule 9 to the ^{M14}London Government Act 1963 or byelaws made under paragraph 6 of that Part of that Schedule; or
 - (g) any enactment contained in a local Act made for purposes similar to the purposes of any of the aforesaid enactments or any byelaws made under any enactment contained in a local Act so made;
- and “works” includes any building, structure, excavation or other work on land.
- (3) Any reference in this paragraph to non-compliance with a building law means, in relation to any works on land, that the construction, nature or situation of the works or any other circumstances thereof (including the use of the land) are such either that the works do not comply with the building law in question or that, by virtue of that law, the rejection of plans for the works is expressly required or authorised.
- (4) Any reference in this paragraph to the enforcement of a building law shall be construed as a reference to securing (whether by the doing of work on land or the requiring, by injunction or otherwise, that some other person shall do work on land) that works on land not complying with the building law in question shall either be demolished or removed or be altered so as to comply therewith.
- (5) In the application of this paragraph to Scotland, the following shall be substituted for heads (a) to (g) of sub-paragraph (2):—
- “(a) an enactment contained in the Burgh Police (Scotland) Acts 1892 to 1903 ^{F12}... or byelaws made under any such enactment;
 - (b) the Roads Improvement Act 1925;
 - ^{F13}(c)

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- (d) section 53 of the Water (Scotland) Act 1946;
 - (e) the Thermal Insulation (Industrial Buildings) Act 1957 or regulations made thereunder;
 - (f) the Building (Scotland) Act 1959 or regulations made thereunder;
 - (g) the Sewerage (Scotland) Act 1968;
 - (h) any enactment contained in a local Act made for purposes similar to the purposes of any of the aforesaid enactments or any byelaws made under any enactment contained in a local Act so made; or
 - (i) any enactment or rule of the common law conferring powers on a dean of guild court”
- (6) In the application of this paragraph to Northern Ireland, the following shall be substituted for heads (a) to (g) of sub-paragraph (2):—
- “(a) section 9 of the Summary Jurisdiction (Ireland) Act 1851;
 - (b) an enactment contained in the Public Health Acts (Northern Ireland) 1878 to 1967 or byelaws made under an enactment so contained;
 - (c) an enactment contained in the Housing Acts (Northern Ireland) 1890 to 1967;
 - (d) the Roads Improvement Act (Northern Ireland) 1928; or
 - (e) any enactment contained in a local Act made for purposes similar to the purposes of any of the aforesaid enactments or any byelaws or orders made under any enactment contained in a local Act so made”

Textual Amendments

- F11** Words repealed (E.W.) by [S.I. 1985/1936, reg. 3\(2\), Sch. 4](#)
- F12** Words in [Sch. 9 para. 17\(5\)](#) repealed (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(asp 5\), s. 128\(2\), sch. 3 Pt. 1](#) (with s. 127); [S.S.I. 2009/319, art. 2\(a\), sch. 1](#)
- F13** [Sch. 9 para. 17\(5\)\(c\)](#) repealed (8.11.1995) by 1995 C. 44, s. 1, [Sch. 1 Pt. VI](#)

Modifications etc. (not altering text)

- C1** [Sch. 9 para. 17\(2\)\(a\)](#) repealed (8.11.1995) by 1995 c. 44, s. 1, [Sch. 1 Pt. VI](#)

Marginal Citations

- M10** [1936 c. 49.](#)
- M11** [1961 c. 64.](#)
- M12** [1957 c. 40.](#)
- M13** [1959 c. 25.](#)
- M14** [1963 c. 33.](#)

18^{F14}, 19

Textual Amendments

- F14** [Sch. 9 paras. 3\(1\)\(3\)\(4\)\(6\), 4, 5, 8, 15, 16, 18, 19](#) repealed by [British Telecommunications Act 1981 \(c. 38\), Sch. 6 Pt. I](#)

^{F15}20

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Textual Amendments

F15 Sch. 9 para. 20 repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), Sch. 2 (with arts. 1(3), 4(11))

21^{F16}

Textual Amendments

F16 Sch. 9 para. 21 repealed by Income and Corporation Taxes Act 1970 (c. 10), ss. 537(1), 539, Sch. 16

22^{F17} —
 26.

Textual Amendments

F17 Sch. 9 paras. 22–26 repealed by British Telecommunications Act 1981 (c. 38), Sch. 6 Pt. I

- 27 (1) Where, between the passing of this Act and the appointed day, the Postmaster General notifies a local planning authority in writing of a proposal to carry out development of land, and, before that day and the expiration of the relevant period, that authority notifies the Postmaster General in writing that it has no objection to the proposal, planning permission for the development shall be deemed to be granted by that authority on that day subject to the relevant condition as to time.
- (2) Where, between the passing of this Act and the appointed day, the Postmaster General notifies a local planning authority in writing of a proposal to carry out development of land, and, before that day and the expiration of the relevant period, that authority notifies the Postmaster General in writing that it has no objection to the proposal provided that conditions specified by it in the notification are complied with (not being conditions containing a stipulation as to the time at which the development must be begun or completed), planning permission for the development shall—
- (a) except in a case in which those conditions are subsequently either modified as mentioned in the following provisions of this sub-paragraph or withdrawn as so mentioned, be deemed to be granted by that authority on the appointed day subject to those conditions and to the relevant condition as to time;
 - (b) in a case in which those conditions are subsequently modified by that authority in writing with the written concurrence of the Postmaster General, be deemed to be granted by that authority on the appointed day subject to those conditions as so modified and to the relevant condition as to time;
 - (c) in a case in which those conditions are withdrawn by that authority in writing addressed to the Postmaster General, be deemed to be granted by that authority on the appointed day subject to the relevant condition as to time.
- (3) Where, between the passing of this Act and the appointed day, the Postmaster General notifies a local planning authority in writing of a proposal to carry out development of land, and before that day and the expiration of the relevant period, that authority notifies the Postmaster General in writing that it has no objection to the proposal provided that conditions specified by it in the notification are complied with (being conditions containing a stipulation as to the time at which the development must be begun or completed), planning permission for the development shall—

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- (a) except in a case in which those conditions are subsequently either modified as mentioned in the following provisions of this sub-paragraph or withdrawn as so mentioned, be deemed to be granted by that authority on the appointed day subject to those conditions;
 - (b) in the case in which those conditions are subsequently modified by that authority in writing with the written concurrence of the Postmaster General (otherwise than by withdrawing the stipulation as to time), be deemed to be granted by that authority on the appointed day subject to those conditions as so modified;
 - (c) in a case in which those conditions (except so far as containing the stipulation as to time) are withdrawn by that authority in writing addressed to the Postmaster General, be deemed to be granted by that authority on the appointed day subject to the condition containing that stipulation.
- (4) Where, between the passing of this Act and the appointed day, the Postmaster General notifies a local planning authority in writing of a proposal to carry out development of land, and—
 - (a) the relevant period expires with the day immediately preceding the appointed day or with an earlier day; and
 - (b) that authority does not, before the expiration of that period, notify the Postmaster General in writing as mentioned in sub-paragraph (1), (2) or (3) above or that it objects to the proposal;planning permission for the development shall be deemed to be granted by the authority on the appointed day subject to the relevant condition as to time.
- (5) The foregoing sub-paragraphs shall, with requisite modifications, apply in a case where, before the passing of this Act, the Postmaster General has notified a local planning authority in writing of a proposal to carry out development of land (but that development has not been carried out before the appointed day) as they apply in a case where he does so between the passing of this Act and that day.
- (6) Where, by virtue of sub-paragraph (2) or (3) above, planning permission for the carrying out of development of land consisting in the erection, extension or alteration of a building is deemed to be granted by a local planning authority subject to a condition that the Postmaster General should consult that authority with respect to any matters relating to the siting, design or external appearance of the building or means of access thereto, then, so far as regards any of those matters as to which, before the appointed day, the Postmaster General has not been notified by that authority in writing that it is satisfied with the way in which that matter is to be dealt with, it shall be deemed, as from that day, to be a matter in the case of which the approval of that authority to the manner in which it is to be dealt with is required under a development order and the planning permission shall be deemed to be granted subject to a condition that application for approval must be made not later than the expiration of three years beginning with that day.
- (7) [F18Part XII of the Town and Country Planning Act 1990] shall not have effect in a case in which planning permission is deemed, by virtue of this paragraph, to be granted.

F19F20(8)

- (9) Every local planning authority shall, with respect to each case in which planning permission is deemed, by virtue of this paragraph, to be granted by it, include, in that

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part of the register kept by it under [F²¹section 69 of the Town and Country Planning Act 1990] that contains entries relating to applications for planning permission that have been finally disposed of, the following particulars, namely,—

- (a) the date on which the permission is deemed to be granted;
- (b) a general description of the development to which the permission relates and of the land to be developed in accordance with the permission;
- (c) in a case in which the authority approves, in relation to the development to which the permission relates, anything which, by virtue of sub-paragraph (6) above, falls to be approved by it, the date on which it does so;
- (d) in a case in which, in consequence of the operation of that sub-paragraph, an appeal as to any matter relating to the development to which the permission relates is entertained by the [F²²Secretary of State] or an application is referred to him, the date on which the appeal or reference is disposed of, and the decision on the appeal or reference.

F19F23(10)

F24(11)

(12) In this paragraph,—

- (a) “development”, “development order”, “local planning authority” and “planning permission” have, in the application of this paragraph to England and Wales, the same meanings as they have [F²⁵for the purposes of [F²⁶the Town and Country Planning Act 1990]] and, in the application of this paragraph to Scotland, the same meanings as in [F²⁷the Town and Country Planning (Scotland) Act 1997].
- (b) “the relevant condition as to time”—
 - (i) except in a case in which planning permission is, by virtue of sub-paragraph (6) above, deemed to be granted subject to a condition that application for the approval of matters must be made not later than the expiration of three years beginning with the appointed day, means a condition that the development to which the permission relates must be begun not later than the expiration of five years beginning with that day;
 - (ii) in the said excepted case, means a condition that the development must be begun not later than whichever is the later of the following dates, namely, the expiration of five years from the appointed day and the expiration of two years from the final approval of matters which are the subject of the condition subject to which planning permission is, by virtue of that sub-paragraph, deemed to be granted (or, in the case of approval on different dates, the final approval of the last such matter to be approved);
- (c) “relevant period”, in relation to a notification to a local planning authority of a proposal to carry out development, means the period of two months from the day on which the notification is received by the authority or such longer period as may, before the expiration of the first-mentioned period, be agreed in writing between the authority and the Postmaster General.

(13) For the purposes of this paragraph, development shall be taken to be begun on the earliest date on which any specified operation (as defined in section 64(3) of the Land Commission Act 1967) comprised in the development begins to be carried out.

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- (14) [^{F28}Sections 91 and 92 of the Town and Country Planning Act 1990] and [^{F29}sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997] (which relate to the duration of planning permission) shall not apply to planning permission deemed, by virtue of this paragraph, to be granted.
- (15) [^{F30}Subsections (2) and (4) of section 93 of the Town and Country Planning Act 1990] (which respectively define final approval of reserved matters and invalidate development carried out, and applications for approval made, out of time) shall have effect for the purposes of this paragraph with the substitution for any reference to a reserved matter of a reference to such a matter as is referred to in sub-paragraph (12)(b)(ii) above, and, for the reference to planning permission having conditions attached to it by or under provisions of [^{F30}sections 91 and 92 of that Act of 1990], of a reference to planning permission deemed, by virtue of this paragraph, to be granted.
- ^{F19}(16) For the purposes of the general application of this paragraph to Scotland, in sub-paragraphs (1), (2) and (3) the words “and the expiration of the relevant period” and sub-paragraphs (4) and (12)(c) shall be omitted.
- (17) This paragraph does not extend to Northern Ireland.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

- F18** Words in [Sch. 9, para. 27\(7\)](#) substituted (E.W.)(25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 31(4), [Sch. 6, para. 4](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#)
- F19** Words repealed by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), s. 277(2), [Sch. 23](#)
- F20** [Sch. 9 para. 27\(8\)](#) repealed (E.W.) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. II](#) and para. 27(8) expressed to be repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), [Sch. 1](#) (with s. 5, [Sch. 3](#))
- F21** Words substituted (as they apply in England and Wales) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 24\(3\)\(a\)\(ii\)](#)
- F22** Words substituted (E.W.) by virtue of S.I. 1970/1681, [art. 2, 6\(3\)](#)
- F23** [Sch. 9 para. 27\(10\)](#) repealed (19.11.1998) by 1998 c. 43, s. 1(1), [Sch. 1 Pt. IV Group 2](#)
- F24** [Sch. 9 para. 27\(11\)](#) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), [Sch. 1](#) (with s. 5, [Sch. 3](#))
- F25** Words substituted by [Town and Country Planning Act 1971 \(c. 78\)](#), [Sch. 23 Pt. II](#)
- F26** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 24\(3\)\(a\)\(iii\)](#)
- F27** Words in [Sch. 9 para. 27\(12\)\(a\)](#) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 19\(2\)\(a\)\(iii\)](#)
- F28** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 24\(3\)\(a\)\(iv\)](#)
- F29** Words in [Sch. 9 para. 27\(14\)](#) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 19\(2\)\(a\)\(iv\)](#)
- F30** Words substituted (as they apply in England and Wales) by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 24\(3\)\(a\)\(v\)](#)

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- 27 (1) Where, between the passing of this Act and the appointed day, the Postmaster General notifies a local planning authority in writing of a proposal to carry out development of land, and, before that day ^{F47} . . . , that authority notifies the Postmaster General in writing that it has no objection to the proposal, planning permission for the development shall be deemed to be granted by that authority on that day subject to the relevant condition as to time.
- (2) Where, between the passing of this Act and the appointed day, the Postmaster General notifies a local planning authority in writing of a proposal to carry out development of land, and, before that day ^{F47} . . . , that authority notifies the Postmaster General in writing that it has no objection to the proposal provided that conditions specified by it in the notification are complied with (not being conditions containing a stipulation as to the time at which the development must be begun or completed), planning permission for the development shall—
- (a) except in a case in which those conditions are subsequently either modified as mentioned in the following provisions of this sub-paragraph or withdrawn as so mentioned, be deemed to be granted by that authority on the appointed day subject to those conditions and to the relevant condition as to time;
 - (b) in a case in which those conditions are subsequently modified by that authority in writing with the written concurrence of the Postmaster General, be deemed to be granted by that authority on the appointed day subject to those conditions as so modified and to the relevant condition as to time;
 - (c) in a case in which those conditions are withdrawn by that authority in writing addressed to the Postmaster General, be deemed to be granted by that authority on the appointed day subject to the relevant condition as to time.
- (3) Where, between the passing of this Act and the appointed day, the Postmaster General notifies a local planning authority in writing of a proposal to carry out development of land, and before that day ^{F47} . . . , that authority notifies the Postmaster General in writing that it has no objection to the proposal provided that conditions specified by it in the notification are complied with (being conditions containing a stipulation as to the time at which the development must be begun or completed), planning permission for the development shall—
- (a) except in a case in which those conditions are subsequently either modified as mentioned in the following provisions of this sub-paragraph or withdrawn as so mentioned, be deemed to be granted by that authority on the appointed day subject to those conditions;
 - (b) in the case in which those conditions are subsequently modified by that authority in writing with the written concurrence of the Postmaster General (otherwise than by withdrawing the stipulation as to time), be deemed to be granted by that authority on the appointed day subject to those conditions as so modified;
 - (c) in a case in which those conditions (except so far as containing the stipulation as to time) are withdrawn by that authority in writing addressed to the Postmaster General, be deemed to be granted by that authority on the appointed day subject to the condition containing that stipulation.
- ^{F48}(4)
- (5) The foregoing sub-paragraphs shall, with requisite modifications, apply in a case where, before the passing of this Act, the Postmaster General has notified a local planning authority in writing of a proposal to carry out development of land (but that

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development has not been carried out before the appointed day) as they apply in a case where he does so between the passing of this Act and that day.

- (6) Where, by virtue of sub-paragraph (2) or (3) above, planning permission for the carrying out of development of land consisting in the erection, extension or alteration of a building is deemed to be granted by a local planning authority subject to a condition that the Postmaster General should consult that authority with respect to any matters relating to the siting, design or external appearance of the building or means of access thereto, then, so far as regards any of those matters as to which, before the appointed day, the Postmaster General has not been notified by that authority in writing that it is satisfied with the way in which that matter is to be dealt with, it shall be deemed, as from that day, to be a matter in the case of which the approval of that authority to the manner in which it is to be dealt with is required under a development order and the planning permission shall be deemed to be granted subject to a condition that application for approval must be made not later than the expiration of three years beginning with that day.
- (7) [^{F49}Part XII of the Town and Country Planning (Scotland) Act 1997] shall not have effect in a case in which planning permission is deemed, by virtue of this paragraph, to be granted.

^{F50F51}(8)

- (9) Every local planning authority shall, with respect to each case in which planning permission is deemed, by virtue of this paragraph, to be granted by it, include, in that part of the register kept by it under [^{F52}section 36 of the Town and Country Planning (Scotland) Act 1997] that contains entries relating to applications for planning permission that have been finally disposed of, the following particulars, namely,—
- (a) the date on which the permission is deemed to be granted;
 - (b) a general description of the development to which the permission relates and of the land to be developed in accordance with the permission;
 - (c) in a case in which the authority approves, in relation to the development to which the permission relates, anything which, by virtue of sub-paragraph (6) above, falls to be approved by it, the date on which it does so;
 - (d) in a case in which, in consequence of the operation of that sub-paragraph, an appeal as to any matter relating to the development to which the permission relates is entertained by the [^{F53}Secretary of State] or an application is referred to him, the date on which the appeal or reference is disposed of, and the decision on the appeal or reference.

^{F50F54}(10)

^{F55}(11)

(12) In this paragraph,—

- (a) “development”, “development order”, “local planning authority” and “planning permission” have, in the application of this paragraph to England and Wales, the same meanings as they have [^{F56}for the purposes of [^{F57}the Town and Country Planning Act 1990]] and, in the application of this paragraph to Scotland, the same meanings as in [^{F58}the Town and Country Planning (Scotland) Act 1997].

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(b) “the relevant condition as to time”—

(i) except in a case in which planning permission is, by virtue of sub-paragraph (6) above, deemed to be granted subject to a condition that application for the approval of matters must be made not later than the expiration of three years beginning with the appointed day, means a condition that the development to which the permission relates must be begun not later than the expiration of five years beginning with that day;

(ii) in the said excepted case, means a condition that the development must be begun not later than whichever is the later of the following dates, namely, the expiration of five years from the appointed day and the expiration of two years from the final approval of matters which are the subject of the condition subject to which planning permission is, by virtue of that sub-paragraph, deemed to be granted (or, in the case of approval on different dates, the final approval of the last such matter to be approved);

^{F48}(c)

(13) For the purposes of this paragraph, development shall be taken to be begun on the earliest date on which any specified operation (as defined in section 64(3) of the Land Commission Act 1967) comprised in the development begins to be carried out.

(14) [^{F59}Sections 91 and 92 of the Town and Country Planning Act 1990] and [^{F60}sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997] (which relate to the duration of planning permission) shall not apply to planning permission deemed, by virtue of this paragraph, to be granted.

(15) [^{F61}Subsections (2) and (4) of section 60 of the Town and Country Planning (Scotland) Act 1997] (which respectively define final approval of reserved matters and invalidate development carried out, and applications for approval made, out of time) shall have effect for the purposes of this paragraph with the substitution for any reference to a reserved matter of a reference to such a matter as is referred to in sub-paragraph (12)(b)(ii) above, and, for the reference to planning permission having conditions attached to it by or under provisions of [^{F62}sections 58 and 59 of that Act], of a reference to planning permission deemed, by virtue of this paragraph, to be granted.

^{F50}(16) For the purposes of the general application of this paragraph to Scotland, in sub-paragraphs (1), (2) and (3) the words “and the expiration of the relevant period” and sub-paragraphs (4) and (12)(c) shall be omitted.

(17) This paragraph does not extend to Northern Ireland.

Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

F47 Words in [Sch. 9 para. 27\(1\)\(2\)\(3\)](#) omitted for purposes of general application of para. 27 to Scotland pursuant to para. 27(16)

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- F48** Sch. 9 para. 27(4)(12)(c) omitted for purposes of general application of para. 27 to Scotland pursuant to para. 27(16)
- F49** Words in Sch. 9 para. 27(7) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 19(2)(a)(i)**
- F50** Words repealed by Town and Country Planning (Scotland) Act 1972 (c. 52), s. 277(2), **Sch. 23**
- F51** Sch. 9 para. 27(8) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1** (with s. 5, Sch. 3)
- F52** Words in Sch. 9 para. 27(9) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 19(2)(a)(ii)**
- F53** Words substituted (S.) by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**
- F54** Sch. 9 para. 27(10) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. IV** Group 2
- F55** Sch. 9 para. 27(11) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1** (with s. 5, Sch. 3)
- F56** Words substituted by Town and Country Planning Act 1971 (c. 78), **Sch. 23 Pt. II**
- F57** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 24(3)(a)(iii)**
- F58** Words in Sch. 9 para. 27(12)(a) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 19(2)(a)(iii)**
- F59** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 24(3)(a)(iv)**
- F60** Words in Sch. 9 para. 27(14) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 19(2)(a)(iv)**
- F61** Words in Sch. 9 para. 27(15) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 19(2)(a)(v)**
- F62** Words in Sch. 9 para. 27(15) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 19(2)(a)(v)**

- 28 (1) Notwithstanding [^{F31}section 245 of the Town and Country Planning (Scotland) Act 1997] or [^{F32}section 296 of the Town and Country Planning Act 1990] (exercise of powers in relation to Crown land), planning permission for the development by the Post Office of land which is Crown land within the meaning of that section by reason only of the subsistence therein of an interest of the Postmaster General may be granted under either Act in pursuance of an application therefor made by the Post Office before the appointed day, and [^{F31}section 35 of the Act of 1997] and [^{F32}sections 66 and 67 of the said Act of 1990] (certificates required to accompany application) shall not apply to an application that may be granted by virtue of this sub-paragraph or to an appeal from a decision to refuse to grant planning permission in pursuance of such an application or to grant it subject to conditions.
- (2) Any approval required under a development order (within the meaning of [^{F33}the said Act of 1997] or of [^{F34}the said Act of 1990]) in relation to development of such land as is mentioned in the foregoing sub-paragraph, being development proposed to be carried out by the Post Office, may be granted in pursuance of an application therefor made by the Post Office before the appointed day.

Textual Amendments

- F31** Words in Sch. 9 para. 27 substituted (U.K)(27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 19(2)(b)(i)**
- F32** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 24(3)(b)(i)**
- F33** Words in Sch. 9 para. 28(2) substituted (U.K)(27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 19(2)(b)(ii)**
- F34** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 24(3)(b)(ii)**

- 29 No enforcement notice shall be served by virtue of [^{F35}paragraph 28 of Schedule 22 to the Town and Country Planning (Scotland) Act 1972 (as it continues in effect by virtue of Schedule 3 to the Planning (Consequential Provisions)(Scotland) Act 1997)] or under [^{F36}paragraph 34 of Schedule 24 to the Town and Country

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Planning Act 1971 (as it continues in effect by virtue of Schedule 3 to the Planning (Consequential Provisions) Act 1990)] in respect of works carried out on land that vests in the Post Office by virtue of section 16 of this Act or in respect of use of land that so vests; and no enforcement notice shall be served under [^{F36}section 172 of the Town and Country Planning Act 1990] or [^{F37}section 127 of the Town and Country Planning (Scotland) Act 1997] in respect of development carried out before the appointed day on land that so vests.

Textual Amendments

- F35 Words in [Sch. 9 para. 29](#) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 19\(2\)\(c\)](#)
- F36 Words substituted by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 4, [Sch. 2 para. 24\(3\)\(c\)](#)
- F37 Words in [Sch. 9 para. 29](#) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 19\(2\)\(c\)](#)

30 Neither an interim development authority, nor, where the [^{F38}Department of Development for Northern Ireland] is exercising any of the functions of such an authority, that [^{F38}Department], shall take any action under section 4 of the ^{M15}Planning (Interim Development) Act (Northern Ireland) 1944 (enforcement of interim development control) in respect of any development carried out before the appointed day in or on land that vests in the Post Office by virtue of section 16 of this Act.

Textual Amendments

- F38 Words substituted by virtue of [Northern Ireland Constitution Act 1973](#) (c. 36), [Sch. 5 para. 8\(1\)](#)

Marginal Citations

- M15 [1944 c. 3](#) (N.I.)

31^{F39}, 32

Textual Amendments

- F39 [Sch. 9 paras. 31, 32](#) repealed by [British Telecommunications Act 1981](#) (c. 38), [Sch. 6 Pt. I](#)

^{F40}33

Textual Amendments

- F40 [Sch. 9 para. 33](#) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, [Sch. 3 Pt. I](#) (with ss. 191-195, 202)

^{F41}

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Textual Amendments

- F41 [Sch. 9 para. 34](#) repealed by [Employment Protection \(Consolidation\) Act 1978](#) (c. 44), [Sch. 17](#)

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^{F42}35

Textual Amendments
F42 S. 35 repealed (24.9.1996) by S.I. 1996/1919, arts. 256, 257, Sch. 3 (with saving in Sch. 2)

^{F43}36 —
47.

Textual Amendments
F43 Sch. 9 paras. 36–47 repealed by British Telecommunications Act 1981 (c. 38), Sch. 6 Pt. I

^{F44}48

Textual Amendments
F44 Sch. 9 para. 48 repealed by Social Security Act 1973 (c. 38), Sch. 28 Pt. I

Modifications etc. (not altering text)
C2 Sch. 9 para. 48: power to continue conferred (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 5 , 7(2), Sch. 3 Pt. II para.15

^{F45}49

Textual Amendments
F45 Sch. 9 para. 49 repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), Sch. 2 (with arts. 1(3), 4(11))

^{F46}50

Textual Amendments
F46 Sch. 9 para. 50 repealed by British Telecommunications Act 1981 (c. 38), Sch. 6 Pt. I

51 An indemnity given under section 13 of the ^{M16}National Debt Act 1958 to the Postmaster General shall, if effective at the appointed day, have effect, as from that day, as if given to the Director of Savings.

Marginal Citations
M16 1958 c. 6 (7 & 8 Eliz. 2).

52 Any reference to the Postmaster General in a prospectus issued with respect to securities issued under the ^{M17}National Loans Act 1939 or the ^{M18}National Loans Act 1968 shall, as from the appointed day, be construed as referring to the Director of Savings.

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Marginal Citations

- M17 1939 c. 117.
- M18 1968 c. 13.

53 Where the Crown retains possession of any documents of title to any land any part of which is vested by virtue of section 16 of this Act in the Post Office, the Minister shall be assumed to have given to the Post Office an acknowledgment in writing of the right of the Post Office to production of those documents and to delivery of copies thereof, and, so far as relates to land in England or Wales, section 64 of the ^{M19}Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section and, so far as relates to land in Northern Ireland, section 9 of the ^{M20}Conveyancing Act 1881 shall have similar effect.

Marginal Citations

- M19 1925 c. 20.
- M20 1881 c. 41.

54 Any legal proceedings or applications pending on the appointed day by or against the Crown, being proceedings or applications instituted or made by or against the Postmaster General or his department (but not being proceedings in the case of which express provision is made by some other provision of this Act with respect to the continuance thereof) may be continued by or against the appropriate government department authorised for the purposes of the ^{M21}Crown Proceedings Act 1947.

Marginal Citations

- M21 1947 c. 44.

Changes to legislation:

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