



British Telecommunications Act 1981

1981 CHAPTER 38

An Act to establish a public corporation to be called British Telecommunications; to make provision with respect to its functions and to transfer to it certain property, rights and liabilities of the Post Office; to make further provision with respect to the Post Office; to provide for dealings by the Treasury in the shares of Cable and Wireless Limited; to amend the Telegraphs Acts; and for connected purposes. [27th July 1981]

Modifications etc. (not altering text)

C1 Act excluded by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 5 para. 12\(4\)](#)

Commencement Information

II Act partly in force at Royal Assent; Act wholly in force on 1.10.1981 (day appointed under s. 1(2) (now repealed)) by [S.I. 1981/1274](#).

PART I

NEW CORPORATION FOR THE PROVISION OF TELECOMMUNICATION AND DATA PROCESSING SERVICES

The Corporation

1 The Corporation.

- F1(1)
- F2(2)
- F1(3)
- F1(4)
- F1(5)

Status: Point in time view as at 06/09/1994.
Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

F1(6)

Textual Amendments
F1 S. 1(1)(3)-(6) repealed (6.9.1994) by Telecommunications Act 1984 (c. 12, SIF 96), ss. 109(6), 110(4), Sch. 7 Pt. III; S.I. 1994/2162
F2 S. 1(2) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. II

Powers and duties of the Corporation

2 F3

Textual Amendments
F3 S. 2 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. II

3 F4

Textual Amendments
F4 S. 3 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

4, 5. F5

Textual Amendments
F5 Ss. 4, 5, 6(1) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. II

Powers of the Secretary of State over the Corporation

6 General control and supervision by the Secretary of State.

- (1) F6
- (2) F7
- (3) F8
- (4) F9
- (6) F10
- (12) F11
- (13) F12

Status: Point in time view as at 06/09/1994.

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Textual Amendments

- F6** Ss. 4, 5, 6(1) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. II**
- F7** S. 6(2) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**
- F8** S. 6(3) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. II**
- F9** S. 6(4)(5) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**
- F10** S. 6(6)–(11) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. II**
- F11** S. 6(12) repealed (with saving) by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 5 para. 40(1), **Sch. 7 Pt. II**
- F12** Ss. 6(13), 7, 8. repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. II**

7, 8. **F13**

Textual Amendments

- F13** Ss. 6(13), 7, 8. repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. II**

Users' Councils

9 **F14**

Textual Amendments

- F14** S. 9 repealed and superseded by Telecommunications Act 1984 (c. 12, SIF 96), ss. 49(4), 54, 109, **Sch. 7 Pt. I**

Transfers of property, rights and liabilities

10 Transfers of property, rights and liabilities

- (1) Before the appointed day the Post Office shall take steps to separate from the remainder of its undertaking the part thereof concerned with the provision of telecommunication and data processing services (that is to say, the part thereof which is under the management and control of the deputy chairman who has special responsibility for telecommunication and data processing services).
- (2) Subject to the following provisions of this section, on the appointed day there shall be transferred from the Post Office to, and by virtue of this Act vested in, the Corporation all the property, rights and liabilities which, immediately before that day, were comprised in the part of the Post Office's undertaking mentioned in subsection (1).
- (3) At any time before the appointed day the Post Office and the Corporation may agree in writing that subsection (2) shall not have effect in relation to any property, rights and liabilities specified in the agreement.
- (4) At any time before the expiration of twelve months beginning with the appointed day the Post Office and the Corporation may agree in writing that, as from such date, not

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earlier than the appointed day, as may be specified in or determined by or under the agreement and in such circumstances (if any) as may be so specified—

- (a) there shall be transferred from the Post Office to, and vested in, the Corporation any property, rights and liabilities specified in the agreement; or
- (b) there shall be transferred from the Corporation to, and vested in, the Post Office any property, rights and liabilities so specified.

- (5) No agreement under subsection (3) or (4) shall have effect in relation to rights and liabilities under a contract of employment unless the employee concerned is a party to the agreement.
- (6) Subject to subsection (7), in the case of any agreement under subsection (4) the property, rights and liabilities in question shall on the date of the coming into force of the agreement be transferred, and by virtue of the agreement vest, in accordance with the agreement.
- (7) Schedule 2 shall apply to any transfer under subsection (2) or (6) subject, in the case of a transfer under subsection (6), to any reference in that Schedule to a vesting by virtue of this Act being construed as a reference to a vesting by virtue of the agreement in question; and those subsections shall have effect subject to the provisions of that Schedule.
- (8) Any reference in this Act to a transfer by this Act includes a reference to a transfer under subsection (6).

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Modifications etc. (not altering text)
C2 S. 10 modified by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 5 para. 41**

11— ^{F15}
20.

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Textual Amendments
F15 Ss. 11–21 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

Charges and other terms and conditions applicable to services

21 ^{F16}

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Textual Amendments
F16 Ss. 11–21 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

22 ^{F17}

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Textual Amendments

F17 S. 22 repealed (with saving) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 5 para. 13, [Sch. 7 Pt. I](#)

Limitation of liability

23 **F18**

Textual Amendments

F18 S. 23 repealed (with saving) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 5 para. 14, [Sch. 7 Pt. I](#)

Finance

24— General duty of the Corporation as to finance.

27. **F19**

Textual Amendments

F19 Ss. 24–28(1) repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 7 Pt. II](#)

28 (1) **F20**

(2) **F21**

Textual Amendments

F20 Ss. 24–28(1) repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 7 Pt. II](#)

F21 S. 28(2)–(4) repealed (with saving) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), Sch. 5 para. 42, [Sch. 7 Pt. II](#)

29, 30. **F22**

Textual Amendments

F22 Ss. 29, 30 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. II](#)

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The Corporation’s accounts, and audit thereof

31 The Corporation’s accounts and audit thereof.

..... F23

Textual Amendments

F23 S. 31 repealed (with saving) by Telecommunications Act 1984 (c. 12, SIF 96), Sch. 5 para. 40(2), Sch. 7 Pt. II

Pensions

32 F24

Textual Amendments

F24 Ss. 32, 33(1)(2) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. II

33 Power of the Secretary of State to make orders about pensions.

- (1) F25
- (3) F26
- (4) F27

Textual Amendments

- F25** Ss. 32, 33(1)(2) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. II
- F26** S. 33(3) repealed (with saving) by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 5 para. 43, Sch. 7 Pt. II
- F27** Ss. 33(4)(5), 34 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. II

34 F28

Textual Amendments

F28 Ss. 33(4)(5), 34 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. II

Rating

35 F29

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Textual Amendments

F29 S. 35 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

[^{F30}**36 Rating in Scotland.**

(1) In paragraph 5 of Schedule 1 to the ^{M1}Local Government (Scotland) Act 1975 (lands and heritages to which section 6(1) of that Act applies and occupied by the Post Office by certain property used for the purposes of telecommunication services) for the words “the Post Office” there shall be substituted the words “British Telecommunications”.

(2) This section applies to Scotland only.]

Textual Amendments

F30 S. 36 repealed (S.) by [Local Government Finance Act 1988 \(c. 41, SIF 81:1\)](#), s. 149, **Sch. 13 Pt. IV**

Marginal Citations

M1 1975 c. 30.

37— ^{F31}
52.

Textual Amendments

F31 Ss. 37–52 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

Miscellaneous

53 ^{F32}

Textual Amendments

F32 S. 53 repealed (with saving) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 5 para. 17, **Sch. 7 Pt. I**

54 ^{F33}

Textual Amendments

F33 S. 54 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. II**

55 ^{F34}

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Textual Amendments

F34 S. 55 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. I](#)

56 **F35**

Textual Amendments

F35 S. 56 repealed (with saving) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 5 para. 44](#), [Sch. 7 Pt. II](#)

57 **F36**

Textual Amendments

F36 S. 57 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. II](#)

PART II

THE POST OFFICE

Powers and duties of the Post Office

58 Powers of the Post Office

(1) For paragraphs (a) to (d) of subsection (1) of section 7 of the 1969 Act (powers of the Post Office) there shall be substituted the following paragraphs—

- “(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;
- (c) to perform services for British Telecommunications or any subsidiary of British Telecommunications;
- (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”.

(2) At the end of that subsection there shall be inserted the words “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

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business, such services for such bodies falling within subsection (1A) below as it thinks fit.”

(3) After that subsection there shall be inserted the following subsection—

“(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
 - (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) the London Transport Executive and any passenger transport executive established under section 9(1)(b) of the Transport Act 1968;
- (c) any statutory water undertaker within the meaning of the Water Act 1973;
- (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;

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.”

(4) F37

(5) Subsections (1) and (4) shall come into operation on the appointed day.

Textual Amendments

F37 Ss. 58(4), 80 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

Modifications etc. (not altering text)

C3 The text of s. 58 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

59 General duty of the Post Office.

(1) It shall be the duty of the Post Office (consistently with any directions given to it under the provisions of Part III of the 1969 Act or this Part) so to exercise its powers as to provide throughout the United Kingdom (save in so far as they are provided by other persons or the provision thereof is, in its opinion, impracticable or not reasonably practicable) such services for the conveyance of letters as satisfy all reasonable demands for them.

(2) It shall also be the duty of the Post Office, in exercising its powers, to have regard to—
(a) efficiency and economy;

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- (b) the social, industrial and commercial needs of the United Kingdom with respect to matters that are subserved by its powers;
 - (c) the desirability of improving and developing its operating systems; and
 - (d) developments in the fields of communications and banking.
- (3) Subsection (1) shall not be taken to preclude the Post Office from interrupting, suspending or restricting, in the case of emergency, any service provided by it.
- (4) Nothing in this section shall be construed as imposing upon the Post Office, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court.
- (5) This section shall come into operation on the appointed day.

60 Redistribution of property, rights and liabilities among wholly owned subsidiaries.

- (1) Subject to subsection (5) the Post Office may make schemes—
- (a) for the reorganisation, amalgamation or dissolution of any of its wholly owned subsidiaries;
 - (b) for the transfer, between the Post Office and any such subsidiary or between one such subsidiary and another, of any specified property, rights or liabilities, or of all property, rights and liabilities comprised in a specified part of the transferor's undertaking.
- (2) A scheme under subsection (1) may contain such supplementary, incidental and consequential provisions as may appear to the Post Office to be necessary or expedient.
- (3) Without prejudice to the generality of subsection (2), a scheme under subsection (1) (b) which transfers to a subsidiary property, rights and liabilities comprised in a part of the transferor's undertaking concerned with the provision of services which, by virtue of the provisions of this Part, the Post Office has the exclusive privilege of providing may provide that such enactments relating to the provision of those services as may be specified in the scheme shall apply in relation to the subsidiary (but only so long as it remains a wholly owned subsidiary of the Post Office) as they apply in relation to the Post Office.
- (4) Without prejudice to any power conferred on it by any other enactment, the Post Office may establish subsidiaries for the purposes of schemes under subsection (1)(b).
- (5) A scheme under subsection (1) shall not come into force unless it has been approved by the Secretary of State or until such date as the Secretary of State may in giving his approval specify; and the Secretary of State may approve a scheme either without modifications or with such modifications as, after consultation with the Post Office, he thinks fit.
- (6) Notice of the coming into force of a scheme under subsection (1)(b) which contains such provision as is mentioned in subsection (3) shall be published by the Post Office—
- (a) if the scheme relates in whole or in part to England and Wales, in the London Gazette;
 - (b) if the scheme relates in whole or in part to Scotland, in the Edinburgh Gazette;
- and

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- (c) if the scheme relates in whole or in part to Northern Ireland, in the Belfast Gazette.
- (7) Subject to subsection (8), in the case of any scheme under subsection (1)(b) the property, rights and liabilities in question shall on the date of the coming into force of the scheme be transferred, and by virtue of the scheme vest, in accordance with the scheme.
- (8) Schedule 2 shall apply to any transfer under subsection (7) subject to any reference in that Schedule to a transfer by or a vesting by virtue of this Act being construed as a reference to a transfer by or a vesting by virtue of the scheme in question, and that subsection shall have effect subject to the provisions of that Schedule.

61 Control of wholly owned subsidiaries.

- (1) As regards any wholly owned subsidiary of the Post Office, the Post Office shall so exercise the rights conferred on it by the holding of its interests therein as to secure that no person is elected chairman of the board of directors of the subsidiary except after consultation with the Secretary of State as to his suitability for election.
- (2) As regards any wholly owned subsidiary of the Post Office, the Post Office shall secure that, notwithstanding anything in the subsidiary's memorandum or articles of association, the subsidiary does not—
 - (a) engage in any activity which the Post Office itself has no power to engage in or has power to engage in only with the consent of the Secretary of State;
 - (b) issue any of its shares, stock or debentures to a person other than—
 - (i) the Post Office or another wholly owned subsidiary of the Post Office; or
 - (ii) a person who is to hold them as a nominee of the Post Office or of a wholly owned subsidiary of the Post Office; or
 - (c) transfer any interest of the subsidiary in another wholly owned subsidiary of the Post Office to a person not within paragraph (b)(i) or (ii),except with the consent of, or in accordance with the terms of any general authority given by, the Secretary of State.
- (3) As regards any wholly owned subsidiary of the Post Office, the Post Office shall not transfer any of its interest therein to a person other than—
 - (a) another wholly owned subsidiary of the Post Office; or
 - (b) a person who is to hold it as a nominee of the Post Office or of a wholly owned subsidiary of the Post Office,except with the consent of, or in accordance with a general authorisation given by, the Secretary of State.
- (4) As regards any wholly owned subsidiary of the Post Office, the Post Office shall secure that the subsidiary seeks consultation with any organisation appearing to the subsidiary 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 of machinery for—
 - (a) the settlement of terms and conditions of employment of persons employed by the subsidiary;
 - (b) the promotion and encouragement of measures affecting efficiency in the carrying on by the subsidiary of its activities, including, in particular, the

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promotion and encouragement of the training of persons employed by the subsidiary; and

- (c) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the subsidiary.

Powers of the Secretary of State over the Post Office

62 General control and supervision by the Secretary of State.

- (1) For subsection (1) of section 11 of the 1969 Act (which provides for general control and supervision of the Post Office by the Secretary of State) there shall be substituted the following subsections—

“(2) 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 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 to the national interest.”

- (2) In subsection (4) of that section—

- (a) after the words “Post Office” where first occurring there shall be inserted the words “ or any wholly owned subsidiary of its ” ;
- (b) for the words “the following provisions of this Part of this Act” there shall be substituted the words “ the provisions of Part II of the said Act of 1981 ” ; and
- (c) for the words “it ceases so to do” there shall be substituted the words “ the Post Office or subsidiary ceases so to do ”.

- (3) For subsection (5) of that section there shall be substituted the following subsection—

“(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 undertakings 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.”

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- (4) In subsection (6) of that section—
- (a) for the word “directions” there shall be substituted the word “direction” ; and
 - (b) for the words “it is against the interests of national security to do so” there shall be substituted the words “disclosure of the direction is against—
 - (i) the interests of national security ; or
 - (ii) the commercial interests of a person other than the Post Office and its wholly owned subsidiaries”.
- (5) Subsection (7) of that section shall be omitted.
- (6) For subsection (9) of that section there shall be substituted the following subsection—
- “(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.”
- (7) In subsection (10) of that section, for the words “performance by it of its functions” there shall be substituted the words “ performance by it and its subsidiaries if its and their functions ”.
- (8) In subsection (11) of that section—
- (a) for the word “section” there shall be substituted the words “ Part of this Act or Part II of the said Act of 1981 ” ; and
 - (b) for the words “subsection (6) above” there shall be substituted the words “ subsection (6)(a) above ”.
- (9) This section shall come into operation on the appointed day.

Modifications etc. (not altering text)

- C4** The text of s. 62 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.

63 Activities requiring consultation with the Secretary of State.

- (1) The Post Office shall consult with the Secretary of State before it and all of its wholly owned subsidiaries taken together (in this section referred to as “the group”) during any accounting year construct, manufacture or produce, for the relevant purpose, things of any kind to an extent substantially greater than that to which the group constructed, manufactured or produced, for that purpose, things of that kind during the relevant period.
- (2) The Post Office shall also consult with the Secretary of State before the group during any accounting year constructs, manufactures or produces to a substantial extent, for the relevant purpose, things of a kind that the group did not construct, manufacture or produce for that purpose during the three accounting years immediately preceding that year.

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(3) In this section—

[^{F38}“outside persons” means persons other than the Post Office, wholly owned subsidiaries of the Post Office, public telecommunications operators and subsidiaries of such operators;]

“the relevant period” means, in relation to things of any kind and any accounting year, whichever of the three accounting years immediately preceeding that year was the one in which the group constructed, manufactured or produced, for the relevant purpose, things of that kind to the greatest extent;

“the relevant purpose” means the purpose of—

- (a) use by the Post Office or any of its wholly owned subsidiaries;
- (b) supply by the Post Office or any of its wholly owned subsidiaries to [^{F39}a public telecommunications operator or a subsidiary of such an operator]; or
- (c) supply by the Post Office or any of its wholly owned subsidiaries to outside persons for use by such persons in connection with services provided by the Post Office or any of its wholly owned subsidiaries;

and for the purposes of this section the assembly of an article in the course of its installation at the place where it is to be used shall not be taken to constitute its manufacture, construction or production.

(4) This section shall come into operation on the appointed day.

Textual Amendments

F38 Definition inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 78\(1\)\(a\)](#), Sch. 5 para. 45.

F39 Words substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 78\(1\)\(b\)](#), Sch. 5 para. 45

64 Activities requiring approval of the Secretary of State.

(1) Neither the Post Office nor any of its wholly owned subsidiaries shall, except with the approval of the Secretary of State, construct, manufacture, produce or purchase, otherwise than for the relevant purpose, things of any kind to a substantial extent.

(2) The Secretary of State—

- (a) may give approval for the purposes of subsection (1) subject to such conditions (if any) as he may think fit; and
- (b) notwithstanding the giving of approval, may at any time, after consultation with the Post Office, direct it to discontinue or, as the case may be, to exercise its control over any of its wholly owned subsidiaries so as to require the subsidiary to discontinue, any activity that the Post Office or, as the case may be, the subsidiary is carrying on with approval.

(3) The Secretary of State shall publish, in such manner as he thinks fit, particulars of any approval given by him under subsection (1).

(4) In carrying on any activities to which subsection (1) applies, the Post Office shall act as if it were a company engaged in a commercial enterprise, and it shall so exercise its control over each of its wholly owned subsidiaries that carries on any such activities as to ensure that the subsidiary so acts.

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- (5) In this section “the relevant purpose” has the same meaning as in section 63.
- (6) This section shall come into operation on the appointed day.

Post Office Users’ Councils

65 Power to provide that certain services shall no longer be referable to Post Office Users’ Councils.

- (1) The Secretary of State may, after consultation with the Post Office and the Post Office Users’ National Council, provide by order made by statutory instrument that as from such date as may be specified in the order references in sections 14 and 15 of the 1969 Act to services provided by, or main services of, the Post Office shall not include references to such services as may be so specified, not being services which, by virtue of the provisions of this Part of this Act, the Post Office has the exclusive privilege of providing.
- (2) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Exclusive privilege of the Post Office with respect to the conveyance etc. of letters

66 Exclusive privilege of the Post Office with respect to the conveyance etc. of letters.

- (1) Subject to the following provisions of this Part, the Post Office shall have throughout the United Kingdom the exclusive privilege of conveying letters from one place to another and of performing all the incidental services of receiving, collecting and delivering letters.
- (2) A person who—
- (a) does any act, or performs any service, which infringes the exclusive privilege conferred on the Post Office by subsection (1); or
 - (b) causes to be conveyed, or tenders or delivers in order to be conveyed, any letter by any means which infringes that privilege,
- shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (4) 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.

Where the affairs of a body corporate are managed by its members, this subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

(5) In this section and section 67—

“correspondent”, in relation to a letter or other communication, means the sender or the addressee;

“employee”, in relation to a body corporate, includes any officer or director of the body corporate and any other person taking part in its management, and “employer” and other cognate expressions shall be construed accordingly;

“letter” means any communication in written form which—

- (a) is directed to a specific person or address;
- (b) relates to the personal, private or business affairs of, or the business affairs of the employer of, either correspondent; and
- (c) neither is to be nor has been transmitted by means of a telecommunication system,

and includes a packet containing any such communication;

“sender”, in relation to any letter or other communication, means the person whose communication it is.

(6) References in the 1953 Act, the 1969 Act or this Part to services which, by virtue of the provisions of this Part, the Post Office has the exclusive privilege of providing are references to services the provision of which by a person other than the Post Office would necessarily infringe the privilege conferred by subsection (1); and for this purpose licences granted under section 68(1) shall be disregarded.

Modifications etc. (not altering text)

C5 S. 66 excluded (23.6.1999) by 1999/1736, art. 7(3)

C6 S. 66(1): privilege conferred suspended for specified purposes (1.4.2000 - 31.12.2006) by S.I. 1999/1933, art. 2

67 General classes of acts not infringing the postal privilege.

(1) The privilege conferred on the Post Office by section 66(1) is not infringed by—

- (a) the conveyance and delivery of a letter personally by the sender;
- (b) the conveyance and delivery of a letter by a personal friend of the sender;
- (c) the conveyance and delivery of a letter by a messenger sent for the purpose by either correspondent;
- (d) the conveyance of an overseas letter to an aircraft by a messenger sent for the purpose by the sender and the conveyance of that letter out of the United Kingdom by means of that aircraft;
- (e) the conveyance and delivery of any document issuing out of a court of justice or of any return or answer thereto;
- (f) the conveyance of letters from merchants who are the owners of a merchant ship or commercial aircraft, or of goods carried in such a ship or aircraft, by means of that ship or aircraft, and the delivery thereof to the addressees by any person employed for the purpose by those merchants, so however that no payment or reward, profit or advantage whatever is given or received for the conveyance or delivery of those letters;
- (g) the conveyance and delivery of letters by any person, being letters concerning and for delivery with goods carried by that person, so however that no

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- payment or reward, profit or advantage whatever is given or received for the conveyance or delivery of those letters;
- (h) the conveyance and delivery to the Post Office of prepaid letters for conveyance and delivery by the Post Office to the addressees, and the collection of such letters for that purpose;
 - (i) the conveyance and delivery of letters by a person who has a business interest in those letters, and the collection of letters for that purpose;
 - (j) the conveyance and delivery of banking instruments from one bank to another or from a bank to a government department, and the collection of such instruments for that purpose;
- (k) the collection, conveyance and delivery of coupons or other entry forms issued by authorised promoters in connection with established competitions.
- (2) Nothing in paragraphs (a) to (g) of subsection (1) shall authorise any person to make a collection of letters for the purpose of their being conveyed in any manner authorised by those paragraphs.
- (3) For the purposes of paragraph (i) of subsection (1) a person has a business interest in a letter if, and only if—
- (a) he is an employee of one of the correspondents or of a member of the same group as one of the correspondents and the letter relates to the business affairs of that correspondent; or
 - (b) he and one of the correspondents are employees of the same person or of different members of the same group and the letter relates to the business affairs of that person or, as the case may be, the employer of that correspondent.
- (4) In this section—
- “authorised promoter” means—
- (a) a registered football pool promoter;
 - (b) a person who is or has at any time been an associate (within the meaning of section 184 of the ^{M2}Consumer Credit Act 1974) of such a promoter; or
 - (c) a registered pool promoter to whom a certificate has been granted under section 1 of the ^{M3}Pool Competitions Act 1971;
- “bank” means—
- (a) the Bank of England;
 - ^{F40}(b) an institution authorised under the Banking Act 1987;]
 - (c) the Post Office . . . ^{F41}; or
 - (d) the central bank of a member State other than the United Kingdom;
- “banking instrument” means—
- (a) any cheque or other instrument to which section 4 of the ^{M4}Cheques Act 1957 applies;
 - (b) any document issued by a public officer which is intended to enable a person to obtain payment from a government department of the sum mentioned in the document;
 - (c) any bill of exchange not falling within paragraph (a) or (b) or any promissory note;
 - (d) any postal order or money order;
 - (e) any credit transfer, credit advice or debit advice; or

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- (f) any list of items, or any copy of an item, falling within the foregoing paragraphs;
- “established competition”, in relation to an authorised promoter, means a competition which is of the same kind as or is broadly similar to a competition held by him before the passing of this Act;
- “government department” includes any Minister of the Crown and any Northern Ireland department;
- “group” means a body corporate and all of its wholly owned subsidiaries taken together;
- “overseas letter” means a letter which is directed to a specific person or address outside the United Kingdom;
- “pre-paid letter” includes any letter which, in pursuance of arrangements made with the Post Office, does not require to be prepaid;
- “registered pool promoter” has the meaning assigned by section 4(2) of the ^{M5}Betting, Gaming and Lotteries Act 1963, and “registered football pool promoter” shall be construed accordingly;
- “ship” includes any boat, vessel or hovercraft.

Textual Amendments

- F40** Paragraph (b) substituted by [Banking Act 1987 \(c. 22, SIF 10\)](#), s. 108(1), [Sch. 6 para. 10](#).
- F41** Words repealed by [Trustee Savings Banks Act 1985 \(c. 58, SIF 110\)](#), s. 4(3), [Sch. 4](#)

Modifications etc. (not altering text)

- C7** [S. 67\(4\)](#) extended (1.1.1993) by [S.I. 1992/3218](#), reg. 82(1), [Sch. 10 Pt. 1 para.12](#).

Marginal Citations

- M2** 1974 c. 39.
- M3** 1971 c. 57.
- M4** 1957 c. 36.
- M5** 1963 c. 2.

68 Saving for things done under a licence.

- (1) A licence may be granted by the Secretary of State after consultation with 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 doing of any such act or the performance of any such service falling within subsection (1) of section 66 as is specified in the licence; and anything done under and in accordance with a licence granted under this subsection shall not constitute an infringement of the privilege conferred by that subsection.
- (2) A licence granted under subsection (1) shall, unless previously revoked in accordance with any term 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) may be granted either to persons of a class or to a particular person, and may include (without prejudice to the power to impose conditions conferred by that subsection) conditions requiring the rendering to the Secretary of State or the Post Office or both of a payment on the grant of the licence or periodic payments during the currency of the licence or both.

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- (4) A payment required by virtue of this section to be rendered to any person may be recovered by that person in any court of competent jurisdiction and, except in Scotland, may be so recovered as if it were a simple contract debt.
- (5) A licence granted under subsection (1) to persons of a class shall be published in such manner as appears to the Secretary of State 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) 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.
- (7) Any sums received by the Secretary of State under this section shall be paid into the Consolidated Fund.

69 Suspension of the postal privilege.

- (1) The Secretary of State may, after consultation with the Post Office, by order suspend the exclusive privilege conferred on the Post Office by section 66(1) for such a period and to such extent as may be specified in the order.
- (2) For the purposes of an order made under this section, any definition of a class of letters may be framed by reference to any circumstances whatever; and in this subsection “letter” has the same meaning as in section 66.
- (3) An order under this section may contain such supplementary, incidental and consequential provisions as may appear to the Secretary of State to be necessary or expedient.
- (4) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Limitation of liability

70 The Post Office to be subject to limited liability in respect of certain inland packets.

- (1) In subsection (1) of section 30 of the 1969 Act (the Post Office to be subject to limited liability in respect of registered inland packets) for the words “registered inland packets” there shall be substituted the words “packet to which this section applies”.
- (2) For subsection (3) of that section there shall be substituted the following subsection—
 - “(3) The amount recoverable in the 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 payable under a scheme made under section 28 of this Act for compensation 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

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excluded from the operation of this section by a scheme made under section 28 of this Act.”

- (3) In subsection (4) of that section after the word “packet”, in the first place where it occurs, there shall be inserted the words “ of any description ” and for the words “registered inland packets” there shall be substituted the words “ packets of that description at the time when they are posted ”.
- (4) After subsection (6) of that section there shall be inserted the following subsection—
- “(6A) For the purposes of this section a scheme made under section 28 of this Act may define a description of a 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.”
- (5) In subsection (7) of that section—
- (a) after the definition of “inland packet” there shall be inserted the following definition—
- ““packet to which this section applies” means any inland packet in respect of which, in pursuance scheme under section 28 of this Act, the Post Office accepts liability under this section ;” ; and
- (b) in the definition of “sender” for the words “registered inland packets” there shall be substituted the words “ packets to which this section applies ”.
- (6) In subsection (1) of section 28 of that Act (schemes for determining charges and other terms and conditions applicable to services) after the words “but so that” there shall be inserted the words “ except as provided by section 30(3) of this Act ”.
- (7) At the end of subsections (2) and (3) of section 29 of that Act (exclusion of liability of employees etc. of the Post Office) there shall be inserted the words “ or any loss of, or damage to, a packet to which the next following section applies ”.
- (8) This section shall come into operation on the appointed day.

Modifications etc. (not altering text)

- C8** The text of s. 70 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.

Finance

71 General duty of the Post Office as to finance.

- (1) It shall be the duty of the Post Office so to exercise its powers as to secure that the combined revenues of the Post Office and all its wholly owned subsidiaries together are not less than sufficient—
- (a) to meet all their combined charges properly chargeable to revenue account, taking one year with another; and
- (b) to enable the Post Office and its wholly owned subsidiaries to make all such allocations to reserve as the Post Office considers adequate, and as may be necessary to comply with any directions given by the Secretary of State under section 72.

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

- (2) The Secretary of State may from time to time determine, with the approval of the Treasury and after consultation with the Post Office, as respects such period as he may so determine, the financial objectives which, having regard to the duty imposed on it by subsection (1), he considers it is reasonable for the Post Office to achieve in that period; and—
 - (a) different determinations may be made for different periods and in relation to different assets and different activities of the Post Office; and
 - (b) the Secretary of State may, with the like approval and after such consultation as aforesaid, vary or revoke a determination under this section in respect of any period by a further determination.
- (3) A determination under subsection (2)—
 - (a) may relate to a period beginning before the date on which it is made; and
 - (b) may contain incidental or supplemental provisions.
- (4) The Secretary of State shall give notice in writing to the Post Office of any determination under subsection (2).
- (5) The Post Office shall conduct its affairs during any period in respect of which a determination has been made under subsection (2) with a view to achieving the financial objectives specified by the determination as for the time being in force.

72 Reserves of the Post Office and its wholly owned subsidiaries.

- (1) The Secretary of State may from time to time, after consultation with the Post Office and with the approval of the Treasury, give to the Post Office directions—
 - (a) requiring it to allocate to reserve generally, or to reserve for a particular purpose, or to cause any of its wholly owned subsidiaries so to allocate, either a specified amount or such amount as the Post Office considers adequate; or
 - (b) requiring it to re-allocate for a specified purpose, or to cause any of its wholly owned subsidiaries so to reallocate, the whole or any part of any amount previously allocated by the Post Office or subsidiary, as the case may be, to reserve for some other purpose; or
 - (c) with respect to the application by the Post Office or any of its wholly owned subsidiaries of amounts allocated to reserve.
- (2) Directions under subsection (1) requiring the allocation of any amount to reserve may provide for it to be so allocated either at a specified time or during the course of a specified period.

73 Borrowing powers of the Post Office and its wholly owned subsidiaries.

- (1) The Post Office may borrow temporarily, by way of overdraft or otherwise,—
 - (a) in sterling from the Secretary of State; or
 - (b) with the consent of the Secretary of State and the approval of the Treasury, in sterling or a currency other than sterling from a person other than the Secretary of State,such sums as may be required for meeting the obligations and discharging the functions of the Post Office or any of its wholly owned subsidiaries.
- (2) The Post Office may borrow, otherwise than by way of temporary loan,—
 - (a) in sterling from the Secretary of State; or

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Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

- (b) with the consent of the Secretary of State and the approval of the Treasury, in sterling or a currency other than sterling from a person other than the Secretary of State,
- such sums as may be required by the Post Office or any of its wholly owned subsidiaries for all or any of the purposes mentioned in subsection (3).
- (3) The said purposes are—
- (a) provision of money for meeting any expenses incurred by the Post Office or any of its subsidiaries in connection with any works the cost of which is chargeable to capital account;
 - (b) provision of working capital required by it or any such subsidiary;
 - (c) subscription for, or acquisition of, securities of an incorporated company or other body corporate, promotion of the formation of an incorporated company or participation in the promotion of such a company or acquisition of an undertaking or part of an undertaking;
 - (d) repayment of any money borrowed by it or any such subsidiary and repayment of any sums issued by the Treasury in fulfilment of a guarantee under section 38 of the 1969 Act;
 - (e) repayment of any part of the debt assumed by it under section 33 of that Act; and
 - (f) any other purpose for which capital moneys are properly applicable.
- (4) The Post Office may borrow from any of its wholly owned subsidiaries without any consent, approval or other authority.
- (5) References in this section and section 74 to borrowing by the Post Office do not include references to receiving any money in its capacity as the provider of any services or the supplier of any apparatus, or using money received in that capacity.
- (6) It shall be the duty of the Post Office to secure that none of its wholly owned subsidiaries borrows otherwise than from the Post Office or from another of its wholly owned subsidiaries except with the consent of the Secretary of State and the approval of the Treasury.
- (7) A person lending money to the Post Office shall not be concerned to inquire whether the borrowing of the money is legal or regular or whether the money raised was properly applied and shall not be prejudiced by any illegality or irregularity or by the misapplication or non application of any of the money.
- (8) This section shall come into operation on the appointed day.

74 Limitation of indebtedness.

- (1) The Post Office shall not have the power to borrow money except in accordance with section 73.
- (2) The aggregate of—
- (a) the amount outstanding, otherwise than by way of interest, in respect of—
 - (i) money borrowed by the Post Office or any of its wholly owned subsidiaries, other than money borrowed on excluded loans;
 - (ii) sums issued by the Treasury in fulfilment of guarantees under section 38 of the 1969 Act; and
 - (iii) the debt assumed by the Post Office under section 33 of that Act; and

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- (b) sums received by it under section 3(1) of the ^{M6}Post Office (Banking Services) Act 1976 (public dividend capital), shall not at any time exceed £1,200 million or such greater sum, not exceeding £1,700 million, as the Secretary of State may from time to time by order specify.
- (3) A loan is an excluded loan for the purposes of subsection (1) if it consists of money borrowed—
- (a) by the Post Office from one of its wholly owned subsidiaries; or
 - (b) by one of its wholly owned subsidiaries from another such subsidiary or from the Post Office.
- (4) An order under subsection (2) shall be made by statutory instrument, and no such order shall be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament.
- (5) This section shall come into operation on the appointed day.

Marginal Citations

M6 1976 c. 10.

75 The Post Office's accounts and audit thereof.

- (1) Subject to the following provisions of this section, it shall be the duty of the Post Office—
- (a) to keep proper accounts and proper records in relation thereto;
 - (b) to prepare in respect of each accounting year a statement of accounts giving a true and fair view of the state of affairs and profit or loss of the Post Office; and
 - (c) to prepare in respect of each accounting year such a statement or statements of consolidated accounts dealing with, and giving a true and fair view of the state of affairs and profit or loss of,—
 - (i) the Post Office and all of its [^{F42}subsidiary undertakings within the meaning of Part VII of the Companies Act 1985] (in this section referred to as “the group”); or
 - (ii) some but not all the members of the group, as the Post Office may determine and the Secretary of State and the Treasury may for the time being approve.
- (2) If the Secretary of State with the consent of the Treasury so requires the Post Office by notice in writing, the Post Office shall, in respect of any accounting year to which the notice relates, comply with its obligation under subsection (1)(c), so far as it relates to those members of the group which are specified in the notice, by preparing a statement of consolidated accounts dealing with the members of the group specified in the notice and giving a true and fair view of their state of affairs and profit or loss.
- (3) Every statement of accounts prepared by the Post Office in accordance with this section shall comply with any requirement which the Secretary of State has, after consultation with the Post Office and with the consent of the Treasury, notified in writing to the Post Office relating to—
- (a) the information to be contained in the statement;
 - (b) the manner in which that information is to be presented; and

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- (c) the methods and principles according to which the statement is to be prepared;
- (4) Subject to any requirement notified to the Post Office under subsection (3), in preparing any statement of accounts in accordance with this section, the Post Office shall follow, with respect to each of the matters specified in paragraphs (a) to (c) of that subsection, such course as may for the time being be approved by the Secretary of State with the consent of the Treasury.
- (5) If the Secretary of State after consultation with the Post Office so directs in relation to an accounting year of the Post Office, that accounting year shall end on such date as may be specified in the direction (whether before or after the date on which it would otherwise end).
- (6) The accounts kept, and all statements prepared, by the Post Office under this section shall be audited by auditors appointed for each accounting year by the Secretary of State after consultation with the Post Office.
- (7) A person shall not be qualified for appointment under subsection (6) unless he is a member of one or more bodies of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the ^{M7}Companies Act 1948 by the Secretary of State; but a Scottish firm may be so appointed if each of the partners therein is qualified to be so appointed.
- (8) As soon as the accounts kept, and the statements prepared, by the Post Office under this section have been audited, the Post Office shall send to the Secretary of State—
- (a) a copy of the statements;
 - (b) copies of the statements of accounts for such of its ^{F42}subsidiary undertakings within the meaning of Part VII of the Companies Act 1985] as the Post Office may, with the approval of the Secretary of State and the consent of the Treasury, determine; and
 - (c) if the Secretary of State with the consent of the Treasury so requires by notice in writing, copies of the statements of accounts for each subsidiary of the Post Office which is specified in the notice,
- together with a copy of any report made by the auditors on the statements or on the accounts of the Post Office; and the Secretary of State shall lay a copy of every statement and report of which a copy is received by him in pursuance of this subsection before each House of Parliament.
- (9) This section shall come into operation on the appointed day.

Textual Amendments

F42 Word substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 23, [Sch. 10 Pt. II para. 30](#)

Marginal Citations

M7 1948 c. 38.

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Pensions

76 Power of the Secretary of State to make orders about pensions.

(1) The Secretary of State may make orders under this section providing for either or both of the following matters, namely—

- (a) the enabling of employees of any of the Post Office's subsidiaries to participate or continue to participate in any pension scheme established by the Post Office under section 43 of the 1969 Act; and
- (b) any matter supplemental or incidental to or consequential on the matter aforesaid, including the amendment of any statutory provision and any trust deed, rules or other instrument made for the purpose of such a scheme;

but nothing in this section shall authorise the making of provision for the diversion of any part of a pension fund to purposes other than the payment of pensions to or in respect of employees of any of the Post Office's subsidiaries.

(2) An order under this section shall be so framed as to secure that no person other than the Post Office or any of its subsidiaries is placed in a worse position than he would have been in if the order had not been made.

An order shall not be invalid by reason that in fact it does not secure that result; but if the Secretary of State is satisfied or it is determined as hereinafter mentioned that an order has failed to secure that result, the Secretary of State shall as soon as possible make the necessary amending order.

Any dispute arising as to whether or not the said result has been secured shall be referred to and determined by an industrial tribunal.

(3) An order under this section may be made so as to have effect from a date prior to the making thereof, so however that so much of any order as provides that any provision thereof is to have effect from a date prior to the making of the order shall not place any person other than the Post Office or any of its subsidiaries in a worse position than he would have been in if the order had been made to have effect only from the date of its making.

(4) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Miscellaneous

77 Delivery boxes.

For paragraph (c) of section 87(2) (delivery of postal packets) of the ^{M8}Post Office Act 1953 (in this Act referred to as "the 1953 Act") there shall be substituted the following paragraph—

- “(c) the delivery of a postal packet—
- (i) at the premises to which it is addressed or redirected, except they be a post office from which it is to be collected ;
 - (ii) to any box or receptacle to which the occupier of those premises has agreed that postal packets addressed to persons at those premises may be delivered ; or

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(iii) to the addressee's servant or agent or to some other person considered to be authorised to receive the packet, shall be delivered to the addressee.”

Modifications etc. (not altering text)

C9 The text of s. 77 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

M8 1953 c. 36.

78 Interpretation and extent of Part II.

- (1) This Part shall be construed as one with Part III of the 1969 Act.
- (2) This Part, except sections 59 and 63 to 70, shall extend to the Isle of Man and the Channel Islands.

PART III

MISCELLANEOUS AND GENERAL

79 Powers of Treasury to dispose etc. of the shares of Cable and Wireless Limited.

- (1) The Treasury after consultation with the Secretary of State may at any time dispose of their interest in all or any of the shares of Cable and Wireless Limited in consideration of such sums as the Treasury may fix; and after any such disposal section 1(1) of the ^{M9}Imperial Telegraphs Act 1938 and section 3(5) of the ^{M10}Cable and Wireless Act 1946 (which require the payment into the Exchequer of dividends paid on the said shares) shall not apply to dividends so paid in respect of the shares to which the disposal relates.
- (2) The Treasury after consultation with the Secretary of State [^{F43}or the Secretary of State with the consent of the Treasury] may at any time—
 - (a) acquire an interest in any shares or stock of Cable and Wireless Limited or any of its subsidiaries or in any rights to subscribe for any such shares; and
 - (b) dispose of an interest so acquired in consideration of such sum as the Treasury [^{F43}or the Secretary of State] may fix.
- (3) Any sums required by the Treasury [^{F44}or the Secretary of State] for making an acquisition under subsection (2) shall be paid out of moneys provided by Parliament; and any sums received by the Treasury [^{F44}or the Secretary of State] in consideration of a disposal made under subsection (1) or (2), or by way of dividend or otherwise in right of any interest acquired by them [^{F44}or him] under subsection (2), shall be paid into the Consolidated Fund.

Textual Amendments

F43 Words inserted by S.I. 1986/2237, art. 3(1), Sch. 2 para. 1(1)

F44 Words inserted by S.I. 1986/2237, art. 3(1), Sch. 2 para. 1(2)

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Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Modifications etc. (not altering text)

C10 Certain functions transferred by S.I. 1986/2237, **arts. 2(1)(a), 3(3)**

Marginal Citations

M9 1938 c. 57.

M10 1946 c. 82.

80 ^{F45}

Textual Amendments

F45 Ss. 58(4), 80 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

81 Stamp duty.

(1) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Corporation, the Post Office or any wholly owned subsidiary of either of those bodies as having been made or executed in pursuance of section 10 or Schedule 2; but no such instrument shall be deemed to be duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section 12 of the ^{M11}Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

(2) ^{F46}

Textual Amendments

F46 S. 81(2)(3) repealed by Finance Act 1988 (c. 39, SIF 114), s. 148, **Sch. 14 Pt. XI**

Modifications etc. (not altering text)

C11 S. 81 modified (26.3.2001) by S.I. 2001/1148, **art. 24** (with art. 34)

C12 S. 81(1) modified by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 5 para. 41**

Marginal Citations

M11 1891 c. 39.

82 Tax provisions.

(1) For the purposes of the [^{F47}Taxation of Chargeable Gains Act 1992] any asset transferred by this Act from the Post Office to the Corporation, or from the Corporation to the Post Office, shall be deemed to be for a consideration such that no gain or loss accrues to the transferor on its transfer; and [^{F47}Schedule 2] to that Act shall have effect in relation to any asset so transferred as if the acquisition or provision of it by the transferor, or the acquisition or provision of it by the Crown which is treated as the acquisition or provision of it by the transferor, had been the acquisition or provision of it by the transferee.

(2) For the purposes of the Corporation Tax Acts—

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

- (a) the part of the Post Office’s trade transferred by this Act to the Corporation (“the transferred trade”) and the part thereof retained by the Post Office (“the retained trade”) shall be treated as having been, at all times since the commencement of the Post Office’s trade, separate trades carried on by the Corporation and the Post Office respectively; and
- (b) the trade carried on by each of those bodies after the appointed day shall be treated as the same trade as that which, by virtue of paragraph (a), it is treated as having carried on before that day.
- (3) The aggregate of the amounts for which the Corporation and the Post Office are entitled to relief under section 177(1) of the ^{M12}Income and Corporation Taxes Act 1970, as for losses sustained by them before the appointed day in carrying on the transferred trade and the retained trade, shall not exceed the amount which, if subsection (2) had not been enacted and the Post Office had continued to carry on both trades, would have been available to it for carrying forward against trading income from the trades in succeeding accounting periods.
- (4) Where, in the discharge of any liability which is transferred to the Corporation by this Act, the Corporation makes payments to the trustees of a retirement benefits scheme with a view to the provision of relevant benefits for persons who are employees of the Post Office, the Tax Acts shall have effect in relation to those payments—
- (a) as if those persons were employees of the Corporation; and
- (b) where the scheme is an exempt approved scheme, as if paragraph (a) of the proviso to section 21(3) of the ^{M13}Finance Act 1970 were omitted;
- and in this subsection expressions which are also used in Chapter II of Part II of the said Act of 1970 have the same meanings as in that Chapter.
- (5) Any transfer by this Act of an interest in land from the Post Office to the Corporation, or from the Corporation to the Post Office, shall be deemed to be a disposal to which subsection (1) of section 20 of the ^{M14}Development Land Tax Act 1976 (groups of companies) applies.
- (6) For the purposes of section 21 of the ^{M15}Finance Act 1972 (value added tax: group registration) the Corporation, the Post Office and any bodies corporate resident in the United Kingdom or the Isle of Man which are subsidiaries of either of those bodies shall be eligible to be treated as members of a group until the expiration of the period of three years beginning with the appointed day; and where, by virtue of this subsection, two or more bodies are so treated, the Commissioners of Customs and Excise shall, as soon as practicable after the expiration of that period, by notice to those bodies, terminate that treatment from such date as may be specified in the notice.
- (7) Subsections (2) and (3) shall have effect in relation to accounting periods of the Corporation and of the Post Office ending on or after the appointed day.

Textual Amendments

- F47** Words in s. 82(1) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), ss. 289, 290(1), [Sch. 10 para.5](#) (with ss. 60, 101(1), 201(3)).

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Modifications etc. (not altering text)

- C13** S. 82(4) amended (*temp.* during the transitional period referred to in s. 69(1) of the Telecommunications Act 1984 (c. 12)) by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 5 para. 39(9)**

Marginal Citations

- M12** 1970 c. 10.
M13 1970 c. 24.
M14 1976 c. 24.
M15 1972 c. 41.

83 Financial provisions.

- (1) There shall be paid out of moneys provided by Parliament—
- (a) any administrative expenses of the Secretary of State under this Act; and
 - (b) any increase attributable to the provisions of this Act in the sums which under any other enactment are paid out of moneys so provided.
- (2) There shall be paid out of the Consolidated Fund or the National Loans Fund any increase attributable to the provisions of this Act in the sums which under any other enactment are paid out of that Fund.

84 Power of managers of certain welfare funds to preserve their scope.

- (1) A fund to which this section applies is one (whether described by the addition thereto of the attribute “welfare”, “benevolent” or “mutual aid” or by the addition thereto of any other attribute) the objects of which consist in or include the provision for—
- (a) persons who are, or have been, employees of the Post Office, or for such persons of any class or description; or
 - (b) for the relatives and dependants of any persons who are or have been so employed, or of such persons of any class or description,
- of benefits in case of need, sickness or distress, and a society or organisation to which this section applies is one (however described) the objects of which are similar; and in this section—

“managers” in relation to a fund, society or organisation, means the trustees, committee or other persons entrusted with its management;

“relevant body” means the Corporation or any of its subsidiaries or any subsidiary of the Post Office.

- (2) The provisions of the trust deed, rules, regulations or other instrument constituting or regulating a fund, society or organisation to which this section applies may, by resolution of the managers of the fund, society or organisation, be altered—
- (a) so as to permit persons who are employees (past or present) of a relevant body, or persons who are members of a class of persons of that description, to become members of, or subscribers to, the fund, society or organisation;
 - (b) so as, in the case of persons of the said description or persons who are members of a class of persons of that description, to entitle them and persons claiming in right of them (subject to such, if any, terms and conditions as may be specified in the resolution) to receive benefits from the fund, society or organisation if, and to the extent that, they would be entitled to receive benefits

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

therefrom if employment by a relevant body were employment by the Post Office;

but so that no alteration be made that alters the character of the fund, society or organisation.

- (3) If a resolution of the managers of a fund, society or organisation to which this section applies so provides—
- (a) any reference in the trust deed, rules, regulations or other instrument constituting or regulating the fund, society or organisation to the Post Office (not being a reference in a context referring, in whatever terms, to persons employed by the Post Office or persons so employed of a specified description) shall be construed as referring (or, if the context so requires, as including a reference) to a relevant body; and
 - (b) any reference in that instrument, in whatever terms, to persons so employed or persons so employed of a specified description shall be construed as referring (or, if the context so requires, as including a reference) to persons employed by a relevant body or, as the case may be, to persons so employed of a corresponding description.
- (4) For the purposes of a resolution deriving validity from this section, the definition of a class of persons may be framed by reference to any circumstances whatever.

Modifications etc. (not altering text)

C14 S. 84 modified by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 5 para. 34\(1\)\(2\)](#)

85 General interpretation.

(1) In this Act—

“the ^{M16}1953 Act” means the Post Office Act 1953;

“the ^{M17}1969 Act” means the Post Office Act 1969;

“the appointed day” has the meaning given by section 1(2);

“the Corporation” means British Telecommunications;

F48
...

“pension” includes allowance and gratuity;

F49
...

“statutory provision”, except in relation to Northern Ireland or the Isle of Man, has the same meaning as in section 57(1) of the ^{M18}Harbours Act 1964, in relation to Northern Ireland, has the same meaning as in section 1(f) of the ^{M19}Interpretation Act (Northern Ireland) 1954 and, in relation to the Isle of Man, means an Act of Tynwald.

[^{F50}(2) Any reference in this Act to a subsidiary or wholly-owned subsidiary shall be construed in accordance with section 736 of the Companies Act 1985.]

(3) This section shall extend to the Isle of Man and the Channel Islands.

Textual Amendments

F48 Definition repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 78\(2\)](#), [Sch. 5 para. 45](#), [Sch. 7 Pt. I](#)

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

F49 Definition of 'statutory maximum' in s. 85(1) repealed (5.11.1993) by 1993, c. 50, s. 1(1), Sch. 1, Pt.XIV

F50 S. 85(2) substituted by Companies Act 1989 (c. 40, SIF 27), s. 144(4), **Sch. 18 para. 25**

Marginal Citations

M16 1953 c. 36.

M17 1969 c. 48.

M18 1964 c. 40.

M19 1954 c. 33 (N.I.)

86 Application to Northern Ireland.

- (1) In the application of this Act to Northern Ireland any reference—
 - (a) to an enactment comprised in Northern Ireland legislation (except a reference to Schedule 6 to the ^{M20}Local Government Act (Northern Ireland) 1972 or Schedule 8 to the ^{M21}Health and Personal Social Services (Northern Ireland) Order 1972); or
 - (b) to an enactment which the Northern Ireland Assembly has power to amend, shall, except in Schedule 3, be construed as including a reference to any enactment comprised in Northern Ireland legislation passed or made after this Act and re-enacting the said enactment with or without modification.
- (2) Regulations made by the Secretary of State under the ^{M22}Civil Defence Act (Northern Ireland) 1950 may apply to the Corporation such of the provisions of the ^{M23}Civil Defence Act (Northern Ireland) 1939 (except section 7(4) thereof) relating to public utility undertakers as may be specified in the regulations and may specify the Secretary of State as the appropriate department in relation to the Corporation for the purpose of the application of any provisions so specified to the Corporation.
- (3) There shall be excluded from the workers in relation to whom the Road Haulage Wages Council (Northern Ireland) and any wages council established under the ^{M24}Wages Councils Act (Northern Ireland) 1945 may operate any person employed by the Corporation on road haulage work within the meaning of paragraph 1 of the Schedule to the ^{M25}Road Haulage Wages Council (Northern Ireland) (Variation) Order 1952.

Marginal Citations

M20 1972 c. 9 (N.I. 14)

M21 S.I. 1972/1265 (N.I. 14)

M22 1950 c. 11 (N.I.)

M23 1939 c. 15 (N.I.)

M24 1945 c. 21 (N.I.)

M25 S.I. 1952/193.

87 Consequential amendments.

- (1) The amendments contained in Schedule 3 shall have effect, being minor amendments or amendments consequential on the foregoing provisions of this Act.

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

- (2) This section and Schedule 3 shall extend to the Isle of Man, so far as regards any enactment mentioned in that Schedule that so extends, and shall extend to the Channel Islands so far as regards any enactment so mentioned that so extends.

88 Transitional provisions.

- (1) The general transitional provisions contained in Schedule 4, and the special transitional provisions with respect to patents for inventions and registered designs contained in Schedule 5, shall have effect.
- (2) This section and Schedules 4 and 5 shall extend to the Isle of Man, and this section and Schedule 4 shall extend to the Channel Islands.

89 Repeals and savings.

- (1) The enactments mentioned in part I of Schedule 6 (which includes some that are spent or no longer of practical utility) shall on the passing of this Act be repealed to the extent specified in the third column of that Schedule ; and the enactments mentioned in Part II of that Schedule shall on the appointed day, be repealed to the extent specified in that column.
- (2) By reason of the repeal of this section by the ^{M26}Post Office Act 1961, there shall be inserted in Schedule 9 to the 1969 Act (general transitional provisions) at the end of paragraph 2 the following sub-paragraph—
- “(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
 - (b) a certificate signed before the appointed day by the Postmaster General that any instrument or document purporting to be executed or signed shall be conclusive evidence of that fact.”
- (3) Notwithstanding the repeal by this section of the said Act of 1961, the ^{M27}Exchequer and Audit Departments Act 1866 and the ^{M28}Exchequer and Audit Departments Act 1921 shall continue to have effect with the amendments made by Schedule 1 to the said Act of 1961.
- (4) The repeal by this section of section 2 of the ^{M29}Post Office (Data Processing Service) Act 1967 and section 65 of the 1969 Act shall not affect the operation of those sections in relation to information obtained before the appointed day.
- (5) This section and Schedule 6 shall extend to the Isle of Man so far as regards any enactment mentioned in that Schedule that so extends (other than an enactment contained in the ^{M30}Telegraph Act 1863), and shall extend to the Channel Islands so far as regards any enactment so mentioned that so extends.

Modifications etc. (not altering text)

C15 The “said Act of 1961” means [Post Office Act 1961 \(c. 15\)](#)

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

C16 The text of s. 89(1),(2) 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

M26 1961 c. 15.

M27 1866 c. 39.

M28 1921 c. 52.

M29 1967 c. 62.

M30 1863 c. 112.

90 Short title and extent.

- (1) This Act may be cited as the British Telecommunications Act 1981.
- (2) This Act extends to Northern Ireland.

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PROVISIONS WITH RESPECT TO THE CORPORATION AND THE MEMBERS THEREOF

Status

F51₁

Textual Amendments

F51 Sch. 1 para. 1 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

F52₂

Textual Amendments

F52 Sch. 1 para. 2 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

Members

F53₃

Textual Amendments

F53 Sch. 1 para. 3 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

F54₄

Textual Amendments

F54 Sch. 1 para. 4 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

F55₅

Textual Amendments

F55 Sch. 1 para. 5 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. II](#)

F56₆

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Textual Amendments

F56 Sch. 1 para. 6 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

F577

Textual Amendments

F57 Sch. 1 para. 7 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

Proceedings

F588

Textual Amendments

F58 Sch. 1 para. 8 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

F599

Textual Amendments

F59 Sch. 1 para. 9 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

F6010

Textual Amendments

F60 Sch. 1 para. 10 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

Staff

F6111

Textual Amendments

F61 Sch. 1 para. 11 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

F6212

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Textual Amendments

F62 Sch. 1 para. 12 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

^{F63}13

Textual Amendments

F63 Sch. 1 para. 13 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

Fixing of seal and proof of instruments

^{F64}14

Textual Amendments

F64 Sch. 1 para. 14 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

^{F65}15

Textual Amendments

F65 Sch. 1 para. 15 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

^{F66}16

Textual Amendments

F66 Sch. 1 para. 16 repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109(6), 110(4), [Sch. 7 Pt. III](#); S.I. 1994/2162

SCHEDULE 2

PROVISIONS AS TO TRANSFERS OF PROPERTY, RIGHTS AND LIABILITIES

Modifications etc. (not altering text)

C17 Sch. 2 modified by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 5 para. 41](#)
 Sch. 2 applied (with modifications) (26.3.2001) by S.I. 2001/1148, [art. 20\(1\)](#) (with art. 34)

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Allocation of property, rights and liabilities

- 1 (1) The provisions of this paragraph and paragraph 2 shall have effect where a transfer to which this Schedule applies is a transfer of all property, rights and liabilities comprised in a specified part of the transferor's undertaking, but shall not apply to any such rights or liabilities under a contract of employment.
- (2) Any property, right or liability comprised partly in the part of the transferor's undertaking which is transferred to the transferee and partly in the part of that undertaking which is retained by the transferor shall, where the nature of the property, right or liability permits, be divided or apportioned between the transferor and the transferee in such proportions as may be appropriate; and, where any estate or interest in land falls to be so divided—
- (a) any rent payable under a lease in respect of that estate or interest; and
 - (b) any rent charged on that estate or interest,
- shall be correspondingly apportioned or divided so that the one part is payable in respect of, or charged on, only one part of the estate or interest and the other part is payable in respect of, or charged on, only the other part of the estate or interest.
- (3) Sub-paragraph (2) shall apply, with any necessary modifications, in relation to any feuduty payable in respect of an estate or interest in land in Scotland as it applies in relation to any rents charged on an estate or interest in land; and in the application of that sub-paragraph to Northern Ireland "lease" in paragraph (a) includes a fee farm grant whether or not that grant creates the relationship of landlord and tenant.
- (4) Any property, right or liability comprised as mentioned in sub-paragraph (2) the nature of which does not permit its division or apportionment as so mentioned shall be transferred to the transferee or retained by the transferor according to—
- (a) in the case of an estate or interest in land, whether on the transfer date the transferor or the transferee appears to be in greater need of the security afforded by that estate or interest or, where neither appears to be in greater need of that security, whether on that date the transferor or the transferee appears likely to make use of the land to the greater extent;
 - (b) in the case of any other property or any right or liability, whether on the transfer date the transferor or the transferee appears likely to make use of the property, or as the case may be to be affected by the right or liability, to the greater extent,
- subject (in either case) to such arrangements for the protection of the other of them as may be agreed between them.
- 2 (1) It shall be the duty of the transferor and the transferee, whether before or after the transfer date, so far as practicable to arrive at such written agreements and to execute such other instruments as are necessary or expedient to identify or define the property, rights and liabilities transferred to the transferee or retained by the transferor and as will—
- (a) afford to the transferor and the transferee as against one another such rights and safeguards as they may require for the proper discharge of their respective functions; and
 - (b) make as from such date, not being earlier than the transfer date, as may be specified in the agreement or instrument such clarification and modifications of the division of the transferor's undertaking as will best serve the proper discharge of the respective functions of the transferor and the transferee.
- (2) Any such agreement shall provide so far as it is expedient—

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

- (a) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not;
 - (b) for the granting of indemnities in connection with the severance of leases and other matters; and
 - (c) for responsibility for registration of any matter in any statutory register.
- (3) If the transferor or the transferee represents to the Secretary of State, or if it appears to the Secretary of State without such a representation, that it is unlikely in the case of any matter on which agreement is required under sub-paragraph (1) that such agreement will be reached, the Secretary of State may, whether before or after the transfer date, give a direction determining that matter and may include in the direction any provision which might have been included in an agreement under sub-paragraph (1); and any property, rights or liabilities required by the direction to be transferred to the transferee shall be regarded as having been transferred by this Act to, and by virtue thereof vested in, the transferee accordingly.

Rights and liabilities under contracts of employment

- 3 (1) The provisions of this paragraph shall have effect where any rights and liabilities transferred under a transfer to which this Schedule applies are rights and liabilities under a contract of employment and the transfer is of all property, rights and liabilities comprised in a specified part of the transferor's undertaking.
- (2) The rights and liabilities under the contract of employment shall be transferred only if immediately before the transfer date the employee concerned was employed in the part of the transferor's undertaking which is transferred.

Right to production of documents of title

- 4 Where on any transfer to which this Schedule applies the transferor is entitled to retain possession of any documents relating in part to the title to, or to the management of, any land or other property transferred to the transferee, the transferor shall be deemed to have given to the transferee an acknowledgement in writing of the right of the transferee to production of that document and to delivery of copies thereof; and—
- (a) in England and Wales, section 64 of the ^{M31}Law of Property Act 1925; and
 - (b) in Northern Ireland, section 9 of the ^{M32}Conveyancing Act 1881,
- shall have effect accordingly, and on the basis that the acknowledgement did not contain any such expression of contrary intention as is mentioned in that section.

Marginal Citations

M31 1925 c. 20.

M32 1881 c. 41.

Perfection of vesting of certain property or rights

- 5 Where in the case of any transfer to which this Schedule applies any property or rights which fall to be transferred to the transferee cannot be properly vested in the

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

transferee by virtue of this Act because transfers thereof are governed otherwise than by the law of a part of the United Kingdom, the transferor shall take all practicable steps for the purpose of securing that the ownership of the property or, as the case may be, the right is effectively transferred.

Proof of title by certificate

- 6 In the case of any transfer to which this Schedule applies, a joint certificate by or on behalf of the transferor and the transferee that any property specified in the certificate, or any such interest in or right over any such property as may be so specified, or any right or liability so specified, is by virtue of this Act for the time being vested in such one of them as may be so specified, shall be conclusive evidence for all purposes of that fact; and if on the expiration of one month after a request from either of them for the preparation of such a joint certificate as respects any property, interest, right or liability, they have failed to agree on the terms of the certificate, they shall refer the matter to the Secretary of State and issue the certificate in such terms as he may direct.

Restrictions on dealing with certain land

- 7 If the Secretary of State is satisfied on the representation of the transferor or the transferee that, in consequence of a transfer to which this Schedule applies, different interests in land, whether the same or different land, are held by the transferor and by the transferee and that the circumstances are such that this paragraph should have effect, the Secretary of State may direct that this paragraph shall apply to such of that land as may be specified in the direction, and while that direction remains in force—
- (a) neither the transferor nor the transferee shall dispose of any interest to which they may respectively be entitled in any of the specified land except with the consent of the Secretary of State;
 - (b) if in connection with any proposal to dispose of an interest of either the transferor or the transferee in any of the specified land it appears to the Secretary of State to be necessary or expedient for the protection of either of them, he may—
 - (i) require either the transferor or the transferee to dispose of any interest to which it may be entitled in any of the specified land to such person and in such manner as may be specified in the requirement;
 - (ii) require either the transferor or the transferee to acquire from the other any interest in any of the specified land to which that other is entitled; or
 - (iii) consent to the proposed disposal subject to compliance with such conditions as the Secretary of State may see fit to impose;
- but a person other than the transferor and the transferee dealing with, or with a person claiming under, either the transferor or the transferee shall not be concerned to see or enquire whether this paragraph applies or has applied in relation to any land to which the dealing relates or as to whether the provisions of this paragraph have been complied with in connection with that or any other dealing with that land, and no transaction between persons other than the transferor and the transferee shall be invalid by reason of any failure to comply with those provisions.

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Construction of agreements, statutory provisions and documents

- 8 Where in the case of any transfer to which this Schedule applies any rights or liabilities transferred are rights or liabilities under an agreement to which the transferor was a party immediately before the transfer date, whether in writing or not, and whether or not of such nature that rights and liabilities thereunder could be assigned by the transferor, that agreement shall have effect on and after the transfer date as if—
- (a) the transferee had been the party to the agreement;
 - (b) for any reference (whether express or implied and, if express, however worded) to the transferor there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the transferee;
 - (c) any reference (whether express or implied and, if express, however worded) to a person employed by, or engaged in the business of, the transferor and holding a specified office or serving in a specified capacity were, as respects anything falling to be done on or after the transfer date, a reference to such person as the transferee may appoint or, in default of appointment, to a person employed by, or engaged in the business of, the transferee who corresponds as nearly as may be to the first-mentioned person;
 - (d) any reference in general terms (however worded) to persons employed by, persons engaged in the business of, or agents of, the transferor were, as respects anything to be done on or after the transfer date, a reference to persons employed by, persons engaged in the business of, or agents of, the transferee;
 - (e) where the agreement refers to property, rights or liabilities which fall to be apportioned or divided between the transferor and the transferee, the agreement constituted two separate agreements separately enforceable by and against the transferor and the transferee as regards the part of the property, rights or liabilities retained by the transferor or, as the case may be, the part thereof vesting in the transferee, and not as regards the other part;
- and sub-paragraph (e) shall apply in particular to the covenants, stipulations and conditions of any lease by or to the transferor.
- 9 Except as otherwise provided in any provision of this Act (whether expressly or by necessary implication) paragraph 8, except sub-paragraph (a) thereof, shall apply in relation to any statutory provision, any provision of any agreement to which the transferor was not a party, and any provision of any document other than an agreement, if and so far as the provision in question relates to any of the transferred rights and liabilities, as it applies in relation to an agreement to which the transferor was a party, and, in relation to any such statutory or other provision as aforesaid, references in sub-paragraphs (b), (c) and (d) of that paragraph to the transferor and to any persons employed by, persons engaged in the business of, or agents of, the transferor include references made by means of a general reference to a class of persons of which the transferor is one, without the transferor itself being specifically referred to.
- 10 Without prejudice to the generality of the provisions of paragraphs 8 and 9, the transferee under a transfer to which this Schedule applies and any other person shall, as from the transfer date, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for

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ascertaining, perfecting or enforcing any right or liability vested in the transferee by virtue of this Act as he would have had if that right or liability had at all times been a right or liability of the transferee, and any legal proceedings or applications to any authority pending on the transfer date by or against the transferor in so far as they relate to any property, right or liability vested in the transferee by virtue of this Act, or to any agreement or enactment relating to any such property, right or liability, shall be continued by or against the transferee to the exclusion of the transferor.

- 11 (1) References in paragraphs 8 to 10 to agreements to which the transferor was a party and to statutory provisions include in particular reference to agreements to which the transferor became a party by virtue of the 1969 Act or this Act and statutory provisions which apply to the transferor by virtue of either Act.
- (2) The provisions of paragraphs 8 to 10 shall have effect for the interpretation of agreements, statutory provisions and other instruments subject to the context, and shall not apply where the context otherwise requires.

Third parties affected by vesting provisions

- 12 (1) Without prejudice to the provisions of paragraphs 8 to 11, any transactions effected between the transferor and the transferee in pursuance of paragraph 2(1) or of a direction under paragraph 2(3) shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.
- (2) It shall be the duty of the transferor and the transferee if they effect any transaction in pursuance of paragraph 2(1) or a direction under paragraph 2(3) to notify any person who has rights or liabilities which thereby become enforceable as to part by or against the transferor and as to part by or against the transferee, and if such a person applies to the Secretary of State and satisfies him that the transaction operated unfairly against him the Secretary of State may give such directions to the transferor and the transferee as appear to him appropriate for varying the transaction.
- (3) If in consequence of a transfer to which this Schedule applies or of anything done in pursuance of the provisions of this Schedule the rights or liabilities of any person other than the transferor and the transferee which were enforceable against or by the transferor become enforceable as to part against or by the transferor and as to part against or by the transferee, and the value of any property or interest of that person is thereby diminished, such compensation as may be just shall be paid to that person by the transferor, the transferee or both, and any dispute as to whether and if so how much compensation is so payable, or as to the person to whom it shall be paid, shall be referred to and determined by an arbitrator appointed by the Lord Chancellor or, where the proceedings are to be held in Scotland, by an arbiter appointed by the Lord President of the Court of Session.
- (4) Where in the case of a transfer to which this Schedule applies the transferor or the transferee purports by any conveyance or transfer to transfer to some person other than the transferor or the transferee for consideration any land or any other property transferred which before the transfer date belonged to the transferor or which is an interest in property which before that date belonged to the transferor, the conveyance or transfer shall be as effective as if both the transferor and the transferee had been parties thereto and had thereby conveyed or transferred all their interest in the property conveyed or transferred.

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- (5) If in the case of any transfer to which this Schedule applies it appears to the court, at any stage in any court proceedings to which the transferor or the transferee and a person other than the transferor or the transferee are parties, that the issues in the proceedings depend on the identification or definition of any of the property, rights or liabilities transferred which the transferor and the transferee have not yet effected, or to raise a question of construction on the relevant provisions of this Act which would not arise if the transferor and the transferee constituted a single person, the court may, if it thinks fit on the application of a party to the proceedings other than the transferor and the transferee, hear and determine the proceedings on the footing that such one of the transferor and the transferee as is a party to the proceedings represents and is answerable for the other of them, and that the transferor and the transferee constitute a single person, and any judgement or order given by the court shall bind both the transferor and the transferee accordingly.
- (6) In the case of any transfer to which this Schedule applies it shall be the duty of the transferor and the transferee to keep one another informed of any case where either of them may be prejudiced by sub-paragraph (4) or (5), and if either the transferor or the transferee claims that it has been so prejudiced and that the other of them ought to indemnify or make a repayment to it on that account and has unreasonably failed to meet that claim, it may refer the matter to the Secretary of State for determination by him.

SCHEDULE 3

CONSEQUENTIAL AMENDMENTS

PART I

GENERAL

1 F67

Textual Amendments

F67 Sch. 3 paras. 1–8 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

PART II

PUBLIC GENERAL ENACTMENTS

Enactments relating to telegraphs

2—6. F68

Textual Amendments

F68 Sch. 3 paras. 1–8 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

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Enactments relating to the supply of electricity

7, 8. F69

Textual Amendments

F69 Sch. 3 paras. 1–8 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

9 F70

Textual Amendments

F70 Sch. 3 para. 9 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. II**

Enactments relating to statutory undertakers

10 (1) F71

(2) The Post Office shall cease to be deemed to be statutory undertakers and its undertaking a statutory undertaking for the purposes of the following enactments, namely—

- (a) section 20 of the National Parks and Access to the ^{M33}Countryside Act 1949;
- (b) paragraph 6 of Schedule 2 to the ^{M34}Countryside Act 1968;
- (c) F72
- (d) sections 19, 108(2), 117, 199(2) and 202(3) of the ^{M35}Town and Country Planning (Scotland) Act 1972.

(3) F73

(4) Section 44(1) of the ^{M36}Local Government (Miscellaneous Provisions) Act 1976 shall have effect as if in the definition of “statutory undertakers” for the words from “the Post Office” to “sewerage” there were substituted the words “ any public authority exercisign functions by virtue of any provisions of sections 14 and 15 of the Water Act 1973 (which relates to sewerage), British Telecommunications and, except in sections 1(4)(a), 3(2)(d) and 4(1) of this Act, the Post Office ”.

(5) F74

(6) This paragraph shall come into operation on the appointed day.

Textual Amendments

- F71** Sch. 3 para. 10(1) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 4 para. 3(2)(a)**, Sch. 5 para. 45, Sch. 7 Pt. I
- F72** Sch. 3 para. 10(2)(c) repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F73** Sch. 3 para. 10(3) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**
- F74** Sch. 3 para. 10(5) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 4 para. 3(2)(a)**, Sch. 5 para. 45, Sch. 7 Pt. I (and Sch. 3 para. 10(5) is also expressed to be repealed in part (1.1.1993) by

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New Roads and Street Works Act 1991 (c. 22), s. 168(2), **Sch.9**; (E.W.) S.I. 1992/2984, art. 2(2), **Sch.2**; (S.) S.I. 1992/2990, art. 2(2), **Sch.2**).

Modifications etc. (not altering text)

C18 The text of Sch. 3 Pt. II para. 10(4) 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

- M33** 1949 c. 97.
- M34** 1968 c. 41.
- M35** 1972 c. 52.
- M36** 1976 c. 57.

11, 12. **F75**

Textual Amendments

F75 Sch. 3 paras. 11–22, 24(1), 25, 26, 28, 30, 32, 35–38 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

Other enactments

13—22. **F76**

Textual Amendments

F76 Sch. 3 paras. 11–22, 24(1), 25, 26, 28, 30, 32, 35–38 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

23 **F77**

Textual Amendments

F77 Sch. 3 para. 23 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 4 para. 3(2)(b)**, Sch. 5 para. 45, Sch. 7 Pt. I

24 (1) **F78**

(2) **F79**

Textual Amendments

F78 Sch. 3 paras. 11–22, 24(1), 25, 26, 28, 30, 32, 35–38 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

F79 Sch. 3 paras. 24(2), 27 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

25, 26. **F80**

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Textual Amendments

F80 Sch. 3 paras. 11–22, 24(1), 25, 26, 28, 30, 32, 35–38 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

27 **F81**

Textual Amendments

F81 Sch. 3 paras. 24(2), 27 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

28 **F82**

Textual Amendments

F82 Sch. 3 paras. 11–22, 24(1), 25, 26, 28, 30, 32, 35–38 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

29 **F83**

Textual Amendments

F83 Sch. 3 para. 29 repealed by Civil Aviation Act 1982 (c. 16, SIF 9), **Sch. 16** and expressed to be repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

30 **F84**

Textual Amendments

F84 Sch. 3 paras. 11–22, 24(1), 25, 26, 28, 30, 32, 35–38 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

31 **F85**

Textual Amendments

F85 Sch. 3 para. 31 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 4 para. 3(2)(c)**, Sch. 5 para. 45, Sch. 7 Pt. I

32 **F86**

Textual Amendments

F86 Sch. 3 paras. 11–22, 24(1), 25, 26, 28, 30, 32, 35–38 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

33 **F87**

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Textual Amendments

F87 Sch. 3 para. 33 repealed (with saving) by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 4 para. 35(2), Sch. 5 para. 45, **Sch. 7 Pt. I** and Housing (Consequential Provisions Act) 1985 (c. 71, SIF 61), s. 5(2), **Sch. 4 para. 12**

34 As from the appointed day, references in subsections (1) and (4) of section 5 of the ^{M37}Milford Haven Conservancy Act 1958 (powers with respect to dredging, etc.) to a submarine cable placed or maintained by the Post Office shall be construed as including references to such a cable placed or maintained by the Corporation, and the second reference in the said subsection (4) to the Post Office shall be construed as referring to the Corporation.

Marginal Citations

M37 1958 c. 23.

35—38. **F88**

Textual Amendments

F88 Sch. 3 paras. 11–22, 24(1), 25, 26, 28, 30, 32, 35–38 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

39 **F89**

Textual Amendments

F89 Sch. 3 para. 39 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 4 para. 3(2)(d)**, Sch. 5 para. 45, Sch. 7 Pt. I

40 **F90**

Textual Amendments

F90 Sch. 3 paras. 40, 41(2) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

41 (1) **F91**

(2) **F92**

Textual Amendments

F91 Sch. 3 para. 41(1) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

F92 Sch. 3 paras. 40, 41(2) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

42 **F93**

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Textual Amendments

F93 Sch. 3 para. 42 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. II**

43 **F94**

Textual Amendments

F94 Sch. 3 para. 43 repealed by New Towns Act 1981 (c. 64, SIF 123:3), **Sch. 13**

44 **F95**

Textual Amendments

F95 Sch. 3 para. 44 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

45 **F96**

Textual Amendments

F96 Sch. 3 para. 45 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I** and expressed to be repealed (E.W.) by Housing and Building Control Act 1984 (c. 29, SIF 96), s. 61, **Sch. 12 Pt. I**

46 **F97**

Textual Amendments

F97 Sch. 3 para. 46 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. II**

47 **F98**

Textual Amendments

F98 Sch. 3 para. 47 repealed (with saving) by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 4 para. 61(2), Sch. 5 para. 45, **Sch. 7 Pt. I**

48 **F99**

Textual Amendments

F99 Sch. 3 paras. 48, 51(2)(9), 53–55 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

49 **F100**

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Textual Amendments

F100 Sch. 3 para. 49 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

50 **F101**

Textual Amendments

F101 Sch. 3 para. 50 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 4 para. 3(2)(e), Sch. 5 para. 45, Sch. 7 Pt. I

- 51 (1) Section 7(2) of the 1969 Act (powers of the Post Office) shall have effect as if for the words “the foregoing subsection” in both places where they occur, there were substituted the words “subsection (1) above”.
- (2) **F102**
- (3) As from the appointed day, section 37(1) of the 1969 Act (loans by the Secretary of State to the Post Office) shall have effect as if for the words “section 35(1) or (2) of this Act” there were substituted the words “section 73(1) or (2) of the British Telecommunications Act 1981”.
- (4) Section 52(4) of the 1969 Act (rating in England and Wales) shall have effect as if for the words from “rateable value” to the end of the subsection there were substituted the words “value which, by virtue of an order under this section or section 19 of the Local Government Act 1974, is shown in a list as the rateable value of any hereditament occupied by the Post Office by any such property as is mentioned in paragraph 5 of Schedule 3 to that Act”.
- (5) As from the appointed day, section 69(3) of the 1969 Act shall have effect as if for the words “conclusive evidence” there were substituted the words “evidence (and, in Scotland, sufficient evidence)”.
- (6) As from the appointed day, section 80 of the 1969 Act (provision of information to persons holding office under the Crown) shall, except in its application to the Isle of Man and the Channel Islands, have effect as if for the word “telecommunication” there were substituted the word “telepost”.
- (7) Section 86 of the 1969 Act (interpretation of Part III) shall have effect—
- (a) as from the appointed day, as if in subsection (1) in the definition of “accounting year” after the word “means” there were inserted the words “subject to subsection 75(5) of the British Telecommunications Act 1981” ; and
 - (b) as if in subsection (4) for the words “section 7(1)(d)” there were substituted the words “section 7(1)(d) or (f)” and, as from the appointed day, as if for the words so substituted there were substituted the words “section 7(1)(c). (d). (e) or (f)”.
- (8) Section 87(1) of the 1969 Act (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) shall have effect as if for the words “section 3 of the Post Office Act 1953” there were substituted the words “section 66(1) of the British

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Telecommunications Act 1981 ” and for the words “the said section 3” in both places where they occur, there were substituted the words “ the said section 66(1) ”.

(9) F102

(10) Schedule 1 to the 1969 Act shall have effect as if paragraphs 2(2) and 4(2) (laying before Parliament of statements concerning the terms of appointment of members of the Post Office) and paragraph 11(2), (3) and (5) (provision of information to the Secretary of State concerning the establishment of machinery for negotiation etc. and of information to participants in connection with its operation) were omitted.

(11) Paragraph 93(1) of Schedule 4 to the 1969 Act (Post Office as statutory undertakers for the purposes of certain enactments) shall have effect as if for head (viii) there were substituted the following head—

“(viii) the Roads Act (Northern Ireland) 1948, as applied by any statutory provision passed or made before the commencement of the Roads (Northern Ireland) Order 1980”.

Textual Amendments

F102 Sch. 3 paras. 48, 51(2)(9), 53–55 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

Modifications etc. (not altering text)

C19 The text of Sch. 3 para. 51 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

52 F103

Textual Amendments

F103 Sch. 3 para. 52 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 4 para. 3(2)(f), Sch. 5 para. 45, Sch. 7 Pt. I

53—55. F104

Textual Amendments

F104 Sch. 3 paras. 48, 51(2)(9), 53–55 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 7 Pt. I

56 F105

Textual Amendments

F105 Sch. 3 para. 56 repealed by Broadcasting Act 1981 (c. 68, SIF 96), Sch. 9

57 (1) F106

(2) As from the appointed day, Schedule 3 to the said Act of 1973 (reserved matters) shall have effect as if—

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- (a) the words “ telecommunications and” were omitted from paragraph 13 of that Schedule ; and
- (b) after the said paragraph 13 there were inserted the following paragraph—
 “13A Telecommunications.”

Textual Amendments

F106 Sch. 3 paras. 57(1) 61, 62 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. II**

Modifications etc. (not altering text)

C20 The text of Sch. 3 para. 57(2) 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.

58—60. **F107**

Textual Amendments

F107 Sch. 3 paras. 58—60, 64, 65, 67(1), 69, 70, 71, 74—80 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

61, 62. **F108**

Textual Amendments

F108 Sch. 3 paras. 57(1) 61, 62 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. II**

63 As from the date on which the Treasury first exercise the power conferred on them by section 79(1), Part III of Schedule 1 to the ^{M38}House of Commons Disqualification Act 1975 and Part III of Schedule 1 to the ^{M39}Northern Ireland Assembly Disqualification Act 1975 (which specify certain offices all holders of which are disqualified under those Acts) shall each have effect as if at the end of the entry relating to directors of Cable and Wireless Limited there were inserted the words “ nominated by a Minister of the Crown or Government department ”.

Marginal Citations

M38 1975 c. 24.
M39 1975 c. 25.

64, 65. **F109**

Textual Amendments

F109 Sch. 3 paras. 58—60, 64, 65, 67(1), 69, 70, 71, 74—80 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

66 **F110**

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Textual Amendments

F110 Sch. 3 para. 66 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 4 para. 3(2)(h)**, Sch. 5 para. 45, Sch. 7 Pt. I

- 67 (1) **F111**
(2) **F112**

Textual Amendments

F111 Sch. 3 paras. 58–60, 64, 65, 67(1), 69, 70, 71, 74—80 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**
F112 Sch. 3 paras. 67(2), 68 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

- 68 **F113**

Textual Amendments

F113 Sch. 3 paras. 67(2), 68 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

- 69—71. **F114**

Textual Amendments

F114 Sch. 3 paras. 58–60, 64, 65, 67(1), 69, 70, 71, 74—80 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

- 72 **F115**

Textual Amendments

F115 Sch. 3 para. 72 repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. II**

- 73 (1) **F116**
(2) **F117**
(3) **F118**

Textual Amendments

F116 Sch. 3 para. 73(1) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**
F117 Sch. 3 para. 73(2) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 4 para. 3(2)(i)**, Sch. 5 para. 45, Sch. 7 Pt. I
F118 Sch. 3 para. 73(3)(4) repealed by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, **Sch. 7 Pt. I**

- 74—76. **F119**

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Textual Amendments

F119 Sch. 3 paras. 58–60, 64, 65, 67(1), 69, 70, 71, 74—80 repealed by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I** (and words in Sch. 3 para. 74(2) are expressed to be substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22\)](#), s. 168(1), **Sch. 8 Pt. IV para.111**; S.I. 1992/2984, art. 2(2), **Sch.2**; S.I. 1992/2990, art. 2(2), **Sch.2**).

PART III

LOCAL ENACTMENTS AND SUBORDINATE LEGISLATION

77—80. **F120**

Textual Amendments

F120 Sch. 3 paras. 58–60, 64, 65, 67(1), 69, 70, 71, 74—80 repealed by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

81 **F121**

Textual Amendments

F121 Sch. 3 para. 81 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. II**

82, 83. **F122**

Textual Amendments

F122 Sch. 3 paras. 82, 83 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

84 As from the appointed day, article 7 of the ^{M40}Visiting Forces and International Headquarters (Application of Law) Order 1965 (which empowers the making, by agreement, of exceptions from, among other things, the exclusive privilege of the Post Office with respect to telecommunication) shall have effect as for the words “section 24(1) of the Post Office Act 1969, and the Prohibition imposed by section 89 of that Act” in paragraph (b) there were substituted the words “section 12(1) of the British Telecommunications Act 1981, and the prohibition imposed by section 89 of the Post Office Act 1969”.

Modifications etc. (not altering text)

C21 The text of Sch. 3 para. 84 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

M40 S.I. 1965/1536.

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

SCHEDULE 4

GENERAL TRANSITIONAL PROVISIONS

- 1 Except as otherwise provided by any provision of this Act (whether expressly or by necessary implication), any statutory provision, any agreement and any provision in a document other than an agreement (not being a provision or agreement to which paragraph 8 or 9 of Schedule 2 applies) shall, so far as may be necessary in consequence of the enactment of this Act, have effect as from the appointed day as if—
- (a) references to the Post Office (except in cases where they fall to be adapted by the following provisions of this paragraph) were (or, if the context so requires, included) references to the Corporation;
 - (b) references in general terms (however worded) to persons employed by, persons engaged in the business of, or agents of, the Post Office were (or, if the context so requires, included) references to persons employed by, persons engaged in the business of, or agents of, the Corporation;
 - (c) references (whether express or implied and, if express however worded) to a person employed by, or engaged in the business of, the Post Office and holding a specified office or serving in a specified capacity were (or, if the context so requires, included) references to a person employed by, or engaged in the business of, the Corporation who corresponds, as nearly as may be, to the first-mentioned person;
 - (d) references (whether express or implied and, if express, however worded) to property of the Post Office were (or, if the context so requires, included) references to property of the Corporation and references (whether express or implied and, if express, however worded) to land or premises occupied by the Post Office were (or if the context so requires, included) references to land or premises occupied by the Corporation.
- 2 A direction given by the Secretary of State to the Post Office under section 11 of the 1969 Act which is effective on the appointed day and relates to functions conferred on the Corporation by this Act shall, so far as so relating, have effect as from that day as if given to the Corporation under section 6.
- 3 (1) Subsections (1) and (2) of section 7 shall have effect in relation to the first accounting year of the Corporation as if—
- (a) the three accounting years of the Post Office immediately preceding that year had been accounting years of the Corporation; and
 - (b) things of any kind which during those years or that year were constructed, manufactured or produced for the corresponding purpose by the Post Office had been constructed, manufactured or produced for the relevant purpose by the group;
- and those subsections shall have similar effect, so far as may be necessary, in relation to the second, third and fourth accounting years of the Corporation.
- (2) In this paragraph—
- “the corresponding purpose” means the purpose of use by the Post Office, or supply by the Post Office to outside persons for use by such persons—
- (a) in connection with, or in the construction, manufacture or production of articles for use in connection with, telecommunication services by whomsoever provided;

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- (b) for, or in the construction, manufacture or production of articles for use for, the provision of telecommunication services; or
- (c) in connection with other services provided by the Post Office;

“the group” and “the relevant purpose” have the same meanings as in section 7.

- 4 An approval given by the Secretary of State to the Post Office under section 13(2) of the 1969 Act which is effective on the appointed day and relates to activities which the Corporation proposes to carry on shall, so far as so relating, have effect, as from that day, as if given to the Corporation under section 8.
- 5 Section 13(4) shall have effect as if any apparatus which is comprised in a telecommunication system and was supplied before the appointed day by the Post Office had been supplied on that day by the Corporation.
- 6 (1) A licence granted, or having effect as if granted, by the Post Office under section 27(1) of the 1969 Act which is effective on the appointed day shall, as from that day, have effect as if granted by the Corporation under section 15(1).
- (2) A licence falling within sub-paragraph (1) may be revoked by the Secretary of State notwithstanding anything in the licence.
- 7 (1) A scheme made by the Post Office under section 28 of the 1969 Act which is effective on the appointed day and relates to services which, by virtue of this Act, are to be provided by the Corporation shall, so far as so relating, have effect, as from that day, as if made by the Corporation under section 21.
- (2) Any charges fixed under any such scheme, so far as so relating, shall have effect as if fixed under a scheme made under section 21.
- (3) A scheme made under section 21 which is to come into effect on the appointed day may revoke or amend any such scheme as is mentioned in sub-paragraph (1).
- 8 (1) Section 22(2) shall have effect as if any application for the inclusion of a special entry in a telecommunication directory acceded to by the Post Office before the appointed day in pursuance of a scheme made under section 28 of the 1969 Act, being an application in the case of which the Post Office’s accession is effective on that day, had been acceded to by the Corporation on that day in pursuance of a scheme made under section 21.
- (2) In this paragraph “special entry” and “telecommunication directory” have the same meanings as in section 22.
- 9 (1) Sections 26(3), 27(2), 73(3) and 74(2) shall have effect as if—
- (a) any money borrowed by the Post Office the liability to repay which is transferred to the Corporation by this Act were money borrowed by the Corporation and not by the Post Office;
 - (b) any sums issued by the Treasury in fulfilment of a guarantee under section 38 of the 1969 Act, being sums the liability to repay which is so transferred, were sums issued by the Treasury in fulfilment of a guarantee under section 29 and not a guarantee under the said section 38; and
 - (c) so much of the debt assumed by the Post Office under section 33 of the 1969 Act as is so transferred (in this paragraph referred to as “the Corporation’s assumed debt”) were money borrowed by the Corporation and not part of the debt assumed by the Post Office.

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- (2) A guarantee given by the Treasury under section 38 of the 1969 Act which is effective on the appointed day and relates to money borrowed by the Post Office the liability to repay which is transferred to the Corporation by this Act shall, so far as so relating, have effect, as from that day, as if given by the Treasury under section 29.
- (3) The rate of interest on the Corporation's assumed 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 Secretary of State, with the approval of the Treasury, may from time to time determine; and different rates and dates may be determined under this sub-paragraph with respect to different portions of the said debt.
- (4) The Secretary of State shall give notice in writing to the Corporation of any determination under sub-paragraph (3).
- (5) Any sums received by the Secretary of State by way of interest on, or repayment of, the Corporation's assumed debt shall be paid into the National Loans Fund.
- 10 An authorisation given, or having effect as if given, by the Post Office under section 61 of the 1953 Act which is effective on the appointed day and relates to property transferred to the Corporation by this Act shall so far as so relating have effect as from that day as if given by the Corporation under section 46.
- 11 (1) A certificate given by the Post Office under section 69 of the 1969 Act which is effective on the appointed day and relates to sums the right to recover which is transferred to the Corporation by this Act shall so far as so relating have effect, as from that day, as if given by the Corporation under section 53.
- (2) Section 53(1) shall have effect as if any sum due to the Post Office before the appointed day under the provisions of a scheme made under section 28 of the 1969 Act, being a sum the right to recover which is transferred to the Corporation by this Act, were a sum due to the Corporation under the provisions of a scheme made under section 21.
- 12 An undertaking given, or having effect as if given, to the Post Office under section 51 of the 1953 Act which is effective on the appointed day and relates to property transferred to, or functions conferred on, the Corporation by this Act shall have effect, as from that day, as if given to the Corporation under section 55.
- 13 Where, on the appointed day, there are in progress any proceedings for the settlement or determination, under the ^{M41}Telegraph Act 1863 or the ^{M42}Telegraph Act 1878, of a difference, dispute, matter or question or the amount or application of compensation, being proceedings to which the Post Office is a party, the Corporation shall be substituted for the Post Office as a party to the proceedings; and where, on that day, there are in progress any proceedings under section 8 of the last-mentioned Act for the recovery by the Post Office of either or both of the following, namely, expenses incurred by it in making good destruction of, or injury to, a telegraphic line and a daily fine in respect of the interruption of telegraphic communication, the Corporation shall be similarly substituted.

Marginal Citations

M41 1863 c. 112.

M42 1878 c. 76.

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- 14 (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 Française 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 21(1).
- 15 A notice or certificate given, request made or requirement imposed under any provision of the enactments relating to telegraphs by, to or on the Post Office 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 Corporation.
- 16 An authority granted under section 5(1) of the ^{M43}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 4 of Schedule 3.

Marginal Citations

M43 1892 c. 59.

- 17 Any such council as is mentioned in the ^{M44}Telegraph Act 1899 which, at the beginning of the appointed day, is licensed by the Post Office 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 Corporation so to provide.

Marginal Citations

M44 1899 c. 38.

- 18 (1) A notice given under section 26 of the ^{M45}Electric Lighting Act 1882 by undertakers to the Post Office which is effective at the appointed day shall, as from that day, have effect as if given to the Corporation; any requirements made under that section by the Post Office which are so effective shall, as from that day, have effect as if made by the Corporation; and any arbitration on a difference under that section which is in

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progress immediately before that day may be continued with the substitution of the Corporation for the Post Office as a party thereto.

- (2) A requirement imposed under section 4(2) of the ^{M46}Electric Lighting Act 1888 by the Post Office which is effective at the appointed day shall, as from that day, have effect as if imposed by the Corporation.
- (3) An approval given under section 10(c) of the Schedule to the ^{M47}Electric Lighting (Clauses) Act 1899 with the concurrence of the Post Office which is effective at the appointed day shall, as from that day, have effect as if given with the concurrence of the Corporation; a notice served under section 14 of the Schedule by undertakers on the Post Office which is so effective shall, as from that day, have effect as if served on the Corporation; a requirement imposed or approval or disapproval notified under that section by the Post Office which is effective at the appointed day shall, as from that day, have effect as if imposed or notified by the Corporation; and a requirement imposed under section 60 of that Schedule which is effective at the appointed day shall, as from that day, have effect as if imposed by the Corporation.
- (4) Any notice given under section 20 of the Schedule to the Electric Lighting (Clauses) Act 1899 to the Post Office which is effective at the appointed day shall, as from that day, have effect as if given to the Corporation, any requisition served under that section by the Post Office which is effective at that day shall, as from that day, have effect as if served by the Corporation and any arbitration under that section which is in progress immediately before that day, being an arbitration to which the Post Office is a party, may be continued with the substitution of the Corporation for the Post Office.

Marginal Citations

M45 1882 c. 56

M46 1888 c. 12.

M47 1899 c 19.

[^{F123}19 An order under section 24 of the ^{M48}Bankruptcy Act 1914 which is effective at the appointed day shall, as from that day, have effect as if any reference therein to the Post Office included a reference to the Corporation.]

Textual Amendments

F123 Sch. 4 para. 19 repealed (E.W.) by [Insolvency Act 1985 \(c. 65, SIF 11:1\)](#), s. 235, **Sch. 10 Pt. III**

Marginal Citations

M48 1914 c. 59.

20 ^{F124}

Textual Amendments

F124 Sch. 4 para. 20 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7 Pt. I**

21 (1) Nothing in this Act shall affect the validity of anything done by, or in relation to, the Post Office before the appointed day under or by virtue of the ^{M49}Public Utilities

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Street Works Act 1950: and anything which, immediately before that day, is in process of being done under, or by virtue of, that Act by or in relation to it (including, in particular, any legal proceedings to which it is a party) may be continued by, or in relation to, the Corporation.

- (2) Any notice or direction given or other thing whatsoever done under the said Act of 1950 by the Post Office shall, if effective at the appointed day, continue in force and have effect as if similarly given or done by the Corporation.

Marginal Citations

M49 1950 c. 39.

- 22 (1) If the appointed day is other than a 1st April, the period beginning with the immediately preceding 1st April, and ending with the next following 31st March shall be the first accounting year of the Corporation and sub-paragraphs (2) and (3) shall have effect in relation to that period.
- (2) The report made by the Corporation under section 6(12) in respect of the period mentioned in sub-paragraph (1) shall include, and the report made by the Post Office under section 11(10) of the 1969 Act in respect of that period shall exclude, the exercise and performance by the Post Office and its subsidiaries of functions which, if the appointed day had been the immediately preceding 1st April, would have been exercised and performed by the Corporation and its subsidiaries.
- (3) Any statement of accounts prepared in respect of the period mentioned in sub-paragraph (1) by the Corporation under section 31 or by the Post Office under section 75 shall give a true and fair view of what, in its opinion, would have been the profit or loss of the body or bodies to which the statement relates if—
- (a) the profit or loss for that period of the part of the Post Office's undertaking which is transferred to the Corporation by this Act had been a profit or loss of the Corporation; and
 - (b) any of the Post Office's subsidiaries which are so transferred had been subsidiaries of the Corporation during the whole of that period.
- (4) All expenses incurred by the Corporation before the beginning of its first accounting year shall, for the purposes of its accounts, be treated as expenses incurred in that year; and all sums received by the Corporation before the beginning of that year shall be treated for those purposes as receipts attributable to that year.
- (5) In relation to the accounting year of the Post Office ending 31st March next before the appointed day, the Corporation shall furnish the Post Office with all such information as the Post Office may require to enable it to discharge the duties imposed on it by sections 11(10) and 42 of the 1969 Act (duty to prepare a statement of accounts and report on the business of the Post Office).

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

SCHEDULE 5

SPECIAL TRANSITIONAL PROVISIONS WITH RESPECT TO PATENTS FOR INVENTIONS AND REGISTERED DESIGNS

PART I

INTERPRETATION

- 1 In this Schedule “agreement to which this Schedule applies” means an agreement in the case of which rights and liabilities thereunder, having vested in the Post Office by virtue of the 1969 Act, are transferred to the Corporation by this Act.

PART II

PATENTS FOR INVENTIONS

- 2 ^{F125}

Textual Amendments

F125 Sch. 5 para. 2 repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 7 Pt. I](#)

- 3 (1) Where an agreement to which this Schedule applies contains provision—
- (a) conferring authority under section 46(1) of the ^{M50}Patents Act 1949 for the making, use or exercise of an invention for a purpose referable to the functions of the Post Office; or
 - (b) providing for the conferring by the Post Office on a person of such an authority under that section,
- then, on and after the appointed day—
- (i) the authority conferred by the agreement, and any authority conferred before that day in pursuance of such a provision as is mentioned in head (b), shall continue in force and shall have effect so as to authorise the making, use and exercise of the invention for a purpose referable to the functions of the Corporation, being a purpose corresponding to that mentioned in head (a); and
 - (ii) the provision described in head (b) shall have effect as if it provided for the conferring by the Corporation of an authority having such effect as is mentioned in head (i).
- (2) For the purpose of fulfilling obligations imposed on it by virtue of this paragraph, the Corporation shall, on and after the appointed day, have power to confer such an authority as is mentioned in head (ii) of sub-paragraph (1).
- (3) Nothing in the Patents Act 1949 shall be taken to prevent the use by the Corporation, for a purpose referable to its functions, of any articles made and supplied to it in the exercise of an authority continued in force by, or conferred by virtue of, this paragraph.

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Modifications etc. (not altering text)

C22 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Marginal Citations

M50 1949 c. 87.

- 4 Where by an agreement to which this Schedule applies, being an agreement made in pursuance of subsection (3) of section 46 of the Patents Act 1949 and continued in force by paragraph 3 of Schedule 10 to the 1969 Act, terms are agreed upon which use of an invention may be made by virtue of that paragraph for the manufacture of articles by the Post Office or the manufacture and supply to the Post Office of articles by a person authorised by it,—
- (a) the agreement shall (so far as it relates to the use of the invention by, or with the authority of, the Post Office) have effect as from the appointed day as if, for any reference to use by virtue of that paragraph for any purpose referable to functions of the Post Office, there were substituted a reference to use by virtue of this paragraph for any purpose referable to functions of the Corporation corresponding to a purpose referable to functions of the Post Office, being a purpose in the case of which use of the invention therefor fell within the agreement;
 - (b) the Corporation shall have power to use the invention for the manufacture of articles on the terms of the agreement as it has effect by virtue of this paragraph, and any person authorised by the Corporation in writing shall have power to use the invention for manufacture and supply to the Corporation on such terms, and the Corporation shall accordingly, have power to use, for purposes referable to its functions, articles so manufactured by, or supplied to, it.

Modifications etc. (not altering text)

C23 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

- 5
- (1) Subject to sub-paragraph (3) where, on or after the appointed day, use of an invention is begun under an authority continued in force by, or conferred by virtue of, paragraph 3, the Corporation shall notify the patentee as soon as practicable after the use is begun.
 - (2) Subject as aforesaid, the Corporation shall furnish the patentee with such information as he may from time to time require as to the extent of use, if any, of the invention after the beginning of the appointed day under such an authority as is mentioned in sub-paragraph (1) or by virtue of paragraph 4.
 - (3) Nothing in the foregoing provisions of this paragraph shall impose on the Corporation an obligation to give notification or furnish information if the Secretary of State notifies it that it is contrary to the public interest to do so.

Modifications etc. (not altering text)

C24 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

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- 6 Where, in the case of an invention, an authority for its use is continued in force by, or is conferred by virtue of, paragraph 3, then—
- (a) if and so far as the invention has, before the priority date of the relevant claim of the complete specification, been duly recorded by or tried by or on behalf of a government department otherwise than in consequence of the communication thereof, directly or indirectly, by the patentee or a person from whom he derives title, any use of the invention by virtue of paragraph 3 may be made free of any royalty or other payment to the patentee;
 - (b) if and so far as the invention has not been so recorded or tried as aforesaid, any use of the invention by virtue of paragraph 3 at any time after the acceptance of the complete specification in respect of the patent or in consequence of any such communication as aforesaid, shall—
 - (i) except where an agreement as to terms for the use of the invention was made before 1st October 1969 under section 46(3) of the ^{M51}Patents Act 1949 or before the appointed day under paragraph 5 of Schedule 10 to the 1969 Act, or a determination as to those terms was made by the court before that date under section 48 of the said Act of 1949 or before that date under paragraph 9 of the said Schedule, be made upon such terms as may be agreed upon, either before or after the use, between the Corporation and the patentee, or as may, in default of such an agreement, be determined by the court on a reference under paragraph 10;
 - (ii) in the said excepted case, be made upon the terms of the said agreement or determination.

Modifications etc. (not altering text)

C25 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, **Sch. 6 paras. 1–14**

Marginal Citations

M51 1949 c. 87.

- 7 The authority of the Corporation in respect of an invention may be given under paragraph 3 or 4 either before or after the patent is granted and either before or after the acts in respect of which the authority is given are done, but not so as to authorise the doing before the appointed day of any act; and such authority may be given to any person whether or not he is authorised, directly or indirectly, by the patentee to make, use, exercise or vend the invention.

Modifications etc. (not altering text)

C26 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, **Sch. 6 paras. 1–14**

- 8 (1) The Corporation shall have the power to use, for a purpose referable to its functions, any article vested in it and made before 1st October 1969, in the exercise of the powers conferred by section 46 of the ^{M52}Patents Act 1949, by a government department, or a person authorised by a government department.
- (2) In the case of articles described in sub-paragraph (1) and articles vested in the Corporation and—

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- (a) made on or after 1st October 1969 under an authority continued in force by virtue of, paragraph 2 of Schedule 10 to the 1969 Act; or
- (b) made on or after the appointed day under an authority continued in force by, or conferred by virtue of, paragraph 3,

the Corporation, if the circumstances are such that their supply to the government of a country outside the United Kingdom is, by virtue of section 46(6) of the Patents Act 1949, included among the services of the Crown, shall have the power to sell them to that government, and if the circumstances are such that their supply to the United Nations is, by virtue of that section, so included, shall have power to sell them to that organisation.

- (3) In the case of articles mentioned in sub-paragraph (2) and articles vested in the Corporation and—
 - (a) made on or after 1st October 1969 by virtue of paragraph 3 of Schedule 10 to the 1969 Act; or
 - (b) made on or after the appointed day by virtue of paragraph 4,
 the Corporation shall have power to sell to any person such, if any, of them as are not required for a purpose referable to functions of the Corporation.
- (4) The purchaser of any articles sold in the exercise of powers conferred by this paragraph, and any person claiming through him, shall have power to deal with them in the same manner as if the patent were held by or on behalf of the Corporation.

Modifications etc. (not altering text)

C27 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Marginal Citations

M52 1949 c. 87.

- 9 (1) In relation to any use of a patented invention or an invention in respect of which an application for a patent is pending, being a use made on or after the appointed day for purposes referable to functions of the Corporation—
 - (a) by the Corporation under any power conferred by, or by virtue of, the foregoing provisions of this Act, or by its using articles supplied to it by the patentees or applicant for the patent under an agreement to which this Schedule applies;
 - (b) by a person authorised by an authority continued in force by paragraph 3 or conferred by virtue of that paragraph or paragraph 4; or
 - (c) by the patentee or applicant for the patent, for the purpose of satisfying a liability under an agreement to which this Schedule applies,
 the provisions of any licence, assignment or agreement made—
 - (i) before 1st October 1969, between the patentee or applicant for the patent or any person who derives title from him or from whom he derives title, and any person other than a government department;
 - (ii) on or after 1st October 1969, between the patentee or applicant for the patent or any person who derives title from him or from whom he derives title, and any person other than the Post Office; or
 - (iii) on or after the appointed day, between the patentee or applicant for the patent or any person who derives title from him or from whom he derives title, and any person other than the Corporation,

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shall be of no effect so far as those provisions restrict or regulate the use of the invention, or any model, document or information relating thereto, or provide for the making of payments in respect of any such use, or calculated by reference thereto; and the reproduction or publication of any model or document in connection with the said use shall not be deemed to be an infringement of any copyright [^{F126}or design right] subsisting in the model or document.

- (2) Where an exclusive licence granted otherwise than for royalties or other benefits determined by reference to the use of the invention is in force under the patent, then—
- (a) in relation to any use of the invention which, but for the provisions of this paragraph and paragraph 3, would constitute an infringement of the rights of the licensee, paragraph 6 shall have effect as if for the reference in sub-paragraph (b) thereof to the patentee there were substituted a reference to the licensee; and
 - (b) in relation to any use of the invention by the licensee by virtue of an authority continued in force by, or conferred by virtue of, paragraph 3, paragraph 6 shall have effect as if sub-paragraph (b) were omitted.
- (3) Subject to the provisions of sub-paragraph (2), where the patent, or the right to apply for or obtain the patent, has been assigned to the patentee in consideration of royalties or other benefits determined by reference to the use of the invention, then—
- (a) in relation to any use of the invention by virtue of paragraph 3, paragraph 6 shall have effect as if, in sub-paragraph (b), the reference to the patentee included a reference to the assignor, and any sum payable by virtue of that paragraph or an agreement referred to in paragraph 4 shall—
 - (i) except where an agreement as to the proportions in which any sum payable in relation to the use of the invention should be divided was made before 1st October 1969 under section 47(3) of the ^{M53}Patents Act 1949 or before the appointed day under paragraph 8(3) of Schedule 10 to the 1969 Act, or a determination as to those proportions was made by the court before that date under section 48 of the said Act of 1949 or before that day under paragraph 9 of the said Schedule, be divided between the patentee and the assignor in such proportions as may be agreed between them or as may, in default of such agreement, be determined by the court on a reference under paragraph 10;
 - (ii) in the said excepted case, be divided in such proportions as may be provided for by the said agreement or determination; and
 - (b) in relation to any use of the invention made after the beginning of the appointed day, being use referable to the functions of the Corporation and made by the patentee for the purpose mentioned in sub-paragraph (1)(c), paragraph 6(b) shall have effect as if that use were made by virtue of an authority continued in force by paragraph 3.
- (4) Where, under paragraph 6 or such an agreement as is referred to in paragraph 4, payments are required to be made by the Corporation to a patentee in respect of any use of an invention, any person, being the holder of an exclusive licence under the patent (not being such a licence as is mentioned in sub-paragraph (2)) authorising him to make that use of the invention, shall—
- (a) except where an agreement as to the recovery from the patentee of a part of the payments made under section 46(3) of the ^{M54}Patents Act 1949 in respect of the use of the invention was made before 1st October 1969 under

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section 47(4) of that Act or before the appointed day under paragraph 8(4) of Schedule 10 to the 1969 Act, or a determination as to such recovery was made by the court before that date under section 48 of the said Act of 1949 or before that day under paragraph 9 of the said Schedule, be entitled to recover from the patentee such part (if any) of those payments as may be agreed upon between that person and the patentee or as may, in default of such agreement, be determined by the court on a reference under paragraph 10 to be just having regard to any expenditure incurred by that person—

- (i) in developing the said invention, or
 - (ii) in making payments to the patentee, other than royalties or other payments determined by reference to the use of the invention, in consideration of the licence;
- (b) in the said excepted case, be entitled to recover such part, if any, of the payments as may be provided for by the said agreement or determination;

and if that person, at any time before the amount of any such payment has been settled, gives to the Corporation notice in writing of his interest, any agreement as to the amount of that payment shall be of no effect unless it is made with his consent; and, for the purposes of this sub-paragraph, a notice given before 1st October 1969 to the department of the Postmaster General in pursuance of section 47(4) of the Patents Act 1949 or before the appointed day to the Post Office in pursuance of paragraph 8 of Schedule 10 to the 1969 Act shall have effect as if it had been given to the Corporation.

- (5) Where any models, documents or information relating to an invention are used in connection with any such use of the invention as is described in sub-paragraph (1), paragraph 6 shall, whether or not it applies to the use of the invention, apply to the use of the models, documents or information as if for the reference therein to the patentee there were substituted a reference to the person entitled to the benefit of any provision of a licence, assignment or agreement which is rendered inoperative by sub-paragraph (1) in relation to that use.
- (6) Nothing in this paragraph shall be construed as authorising the disclosure to the Corporation or any person of any model, document or information to the use of which this paragraph applies in contravention of any such licence, assignment or agreement as aforesaid.

Textual Amendments

F126 Words inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(1), **Sch. 7 para. 27**

Modifications etc. (not altering text)

C28 [Sch. 5 paras. 3–22](#) modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, **Sch. 6 paras. 1–14**

Marginal Citations

M53 1949c. 87.

M54 1949 c. 87.

- 10 (1) Any dispute as to the exercise by the Corporation or a person authorised by it of powers subsisting by virtue of the foregoing provisions of this Part, or as to terms for use thereunder of an invention or any models, documents or information relating to an invention, or as to the right of any person to receive any part of a payment made in pursuance of paragraph 6 or any such agreement as is referred to in paragraph

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Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

4 may be referred to the court by either party to the dispute in such manner as is prescribed by the rules for the time being in force for the purposes of section 48(1) of the ^{M55}Patents Act 1949.

- (2) Subsections (2) to (5) of section 48 of the Patents Act 1949 shall have effect in relation to proceedings under sub-paragraph (1) and disputes that may be determined thereunder as they do in relation to proceedings and disputes that may be determined under subsection (1) of the said section 48, but subject to the modifications that—
- (a) in subsection (2), for references to a government department there shall be substituted references to the Corporation;
 - (b) in subsection (3), for the references to section 46 of that Act and to the opinion of the government department there shall be substituted respectively references to paragraph 6(a) and to the opinion of the Secretary of State stated in a certificate signed by him; and
 - (c) in subsection (4), for the first reference to a government department there shall be substituted a reference to the Corporation, for the second such reference there shall be substituted a reference to the department of the Postmaster General, the Post Office or the Corporation, and the reference to the services of the Crown shall include a reference to the purposes of the Corporation.
- (3) Any proceedings under paragraph 9 of Schedule 10 to the 1969 Act which are in progress immediately before the appointed day, being proceedings to which the Post Office is a party and which, if they had been commenced on or after that day, would have been commenced under this paragraph, may be continued with the substitution of the Corporation for the Post Office.

Modifications etc. (not altering text)

C29 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Marginal Citations

M55 1949 c. 87.

- 11 (1) Where, in pursuance of an agreement to which this Schedule applies, being an agreement made in relation to an invention claimed under a complete specification, communication of the invention is made to the Corporation or a person authorised by it to investigate the invention or its merits, the invention shall not be deemed to have been anticipated by reason only of that communication or of anything done in consequence thereof for the purposes of the investigation.
- (2) An authorisation to investigate an invention given under subsection (1) or section 51 of the ^{M56}Patents Act 1949 which is in force immediately before the appointed day and has effect as if given by the Post Office shall, so far as may be necessary in consequence of the enactment of Part I of this Act, have effect on and after that day as if given by the Corporation and, in relation to that invention, the said subsection (1) shall have effect as if references to a government department included references to the Corporation.

Modifications etc. (not altering text)

C30 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Marginal Citations

M56 1949 c. 87.

- 12 Expressions to which meanings are assigned by the ^{M57}Patents Act 1949 for the purposes of that Act have those meanings also for the purposes of this Part.

Modifications etc. (not altering text)

C31 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Marginal Citations

M57 1949 c. 87.

PART III

REGISTERED DESIGNS

- 13 (1) Where an agreement to which this Schedule applies contains provision—
- (a) conferring authority under paragraph 1(1) of Schedule 1 to the ^{M58}Registered Designs Act 1949 for the use of a registered design for a purpose referable to the functions of the Post Office; or
 - (b) providing for the conferring by the Post Office on a person of such an authority under that paragraph,
- then, on and after the appointed day,—
- (i) the authority conferred by the Agreement, and any authority conferred before that day in pursuance of such a provision as is mentioned in head (b), shall continue in force and shall have effect so as to authorise the use of the design for a purpose referable to the functions of the Corporation, being a purpose corresponding to that mentioned in head (a); and
 - (ii) the provision described in head (b) shall have effect as if it provided for the conferring by the Corporation of an authority having such effect as is mentioned in head (i).
- (2) For the purpose of fulfilling obligations imposed on it by virtue of this paragraph, the Corporation shall, on and after the appointed day, have power to confer such an authority as is mentioned in head (ii) of sub-paragraph (1).

Modifications etc. (not altering text)

C32 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Marginal Citations

M58 1949 c. 88.

- 14 Where, by an agreement to which this Schedule applies, being an agreement made in pursuance of sub-paragraph (3) of paragraph 1 of Schedule 1 to the ^{M59}Registered Designs Act 1949 and continued in force by paragraph 13 of Schedule 10 to the 1969 Act, terms are agreed upon which use of a design may be made by virtue

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Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

of the said paragraph 13 for the manufacture of articles by the Post Office, or the manufacture and supply to the Post Office of articles by a person authorised by it,—

- (a) the agreement shall (so far as it relates to the use of the design by, or with the authority of the Post Office) have effect as from the appointed day as if, for any reference to use by virtue of the said paragraph 13 for any purpose referable to functions of the Post Office, there were substituted a reference to use by virtue of this paragraph for any purpose referable to functions of the Corporation corresponding to a purpose referable to functions of the Post Office, being a purpose in the case of which use of the design therefor fell within the agreement;
- (b) the Corporation shall have power to use the design for the manufacture of articles on the terms of the agreement as it has effect by virtue of this paragraph, and any person authorised by the Corporation in writing shall have power to use the design for manufacture and supply to the Corporation on such terms.

Modifications etc. (not altering text)

C33 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Marginal Citations

M59 1949 c. 88.

- 15 (1) Subject to sub-paragraph (3), where, on or after the appointed day, use of a registered design is begun under an authority continued in force by, or conferred by virtue of, paragraph 13, the Corporation shall notify the registered proprietor as soon as practicable after the use is begun.
- (2) Subject as aforesaid, the Corporation shall furnish the registered proprietor with such information as he may from time to time require as to the extent of use, if any, of the registered design after the beginning of the appointed day under such an authority as is mentioned in sub-paragraph (2) or by virtue of paragraph 14.
- (3) Nothing in the foregoing provisions of this paragraph shall impose on the Corporation an obligation to give notification or furnish information if the Secretary of State notifies it that it is contrary to the public interest to do so.

Modifications etc. (not altering text)

C34 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

- 16 Where, in the case of a design, an authority for its use is continued in force by, or is conferred by virtue of, paragraph 13, then—
- (a) if and so far as the design has, before the date of registration thereof, been duly recorded by or applied by or on behalf of a government department otherwise than in consequence of the communication of the design, directly or indirectly, by the registered proprietor or a person from whom he derives title, any use of the design by virtue of paragraph 13 may be made free of any royalty or other payment to the registered proprietor;
 - (b) if and so far as the design has not been so recorded or applied as aforesaid, any use of the design by virtue of paragraph 13 at any time after the date

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

of registration thereof or in consequence of any such communication as aforesaid, shall—

- (i) except in a case where an agreement as to terms for the use of the design was made before 1st October 1969 under paragraph 1(3) of Schedule 1 to the ^{M60}Registered Designs Act 1949 or before the appointed day under paragraph 15 of Schedule 10 to the 1969 Act, or a determination as to those terms was made by the court before that date under paragraph 3 of the said Schedule 1 or before that day under paragraph 19 of the said Schedule 10, be made upon such terms as may be agreed upon, either before or after the use, between the Corporation and the registered proprietor or as may, in default of such an agreement, be determined by the court on a reference under paragraph 20;
- (ii) in the said excepted case, be made upon the terms of the said agreement or determination.

Modifications etc. (not altering text)

C35 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Marginal Citations

M60 1949c. 88.

- 17 The authority of the Corporation in respect of a design may be given under paragraph 13 or 14 either before or after the design is registered and either before or after the acts in respect of which the authority is given are done, but not so as to authorise the doing before the appointed day of any act; and such authority may be given to any person whether or not he is authorised, directly or indirectly, by the registered proprietor to use the design.

Modifications etc. (not altering text)

C36 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

- 18 (1) In the case of articles vested in the Corporation and—
- (a) made before 1st October 1969, in the exercise of powers conferred by paragraph 1 of Schedule 1 to the Registered Designs Act 1949;
 - (b) made before the appointed day, under an authority continued in force by, or conferred by virtue of, paragraph 12 of Schedule 10 to the 1969 Act; or
 - (c) made on or after the appointed day, under an authority continued in force by, or conferred by virtue of, paragraph 13,
- the Corporation, if the circumstances are such that their supply to the government of a country outside the United Kingdom is, by virtue of paragraph 1(6) of the said Schedule 1 included among the services of the Crown, shall have power to sell them to that government, and if the circumstances are such that their supply to the United Nations is, by virtue of that paragraph, so included, shall have power to sell them to that organisation.
- (2) In the case of articles mentioned in sub-paragraph (1) and articles vested in the Corporation and—

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Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

- (a) made on or after 1st October 1969 by virtue of paragraph 13 of Schedule 10 to the 1969 Act; or
 - (b) made on or after the appointed day by virtue of paragraph 14,
- the Corporation shall have power to sell to any person such, if any, of them as are not required for a purpose referable to functions of the Corporation.
- (3) The purchaser of any articles sold in the exercise of powers conferred by this paragraph, and any person claiming through him, shall have power to deal with them in the same manner as if the rights in the registered design were held by or on behalf of the Corporation.

Modifications etc. (not altering text)

C37 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

- 19 (1) In relation to any use of a registered design or a design in respect of which an application for registration is pending, being a use made on or after the appointed day for purposes referable to functions of the Corporation—
- (a) by the Corporation under any power conferred by or by virtue of the foregoing provisions of this Act;
 - (b) by a person authorised by an authority continued in force by paragraph 13 or conferred by virtue of that paragraph or paragraph 14; or
 - (c) by the registered proprietor or applicant for registration for the purpose of satisfying a liability under an agreement to which this Part applies,
- the provisions of any licence, assignment or agreement made,—
- (i) before 1st October 1969, between the registered proprietor or applicant for registration or any person who derives title from him or from whom he derives title and any person other than a government department;
 - (ii) on or after 1st October 1969, between the registered proprietor or applicant for registration or any person who derives title from him or from whom he derives title and any person other than the Post Office; or
 - (iii) on or after the appointed day between the registered proprietor or applicant for registration or any person who derives title from him or from whom he derives title and any person other than the Corporation,
- shall be of no effect so far as those provisions restrict or regulate the use of the design, or any model, document or information relating thereto, or provide for the making of payments in respect of any such use, or calculated by reference thereto; and the reproduction or publication of any model or document in connection with the said use shall not be deemed to be an infringement of any copyright [^{F127}or design right] subsisting in the model or document.
- (2) Where an exclusive licence granted otherwise than for royalties or other benefits determined by reference to the use of the design is in force under the registered design, then—
- (a) in relation to any use of the design which, but for the provisions of this paragraph and paragraph 13 would constitute an infringement of the rights of the licensee, paragraph 16 shall have effect as if for the reference in subparagraph (b) thereof to the registered proprietor there were substituted a reference to the licensee; and

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Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

- (b) in relation to any use of the design by the licensee by virtue of an authority continued in force by, or conferred by virtue of, paragraph 13, paragraph 16 shall have effect as if sub-paragraph (b) were omitted.
- (3) Subject to the provisions of sub-paragraph (2), where the registered design or the right to apply for or obtain registration of the design has been assigned to the registered proprietor in consideration of royalties or other benefits determined by reference to the use of the design, then—
- (a) in relation to any use of the design by virtue of paragraph 13, paragraph 16 shall have effect as if, in sub-paragraph (b), the reference to the registered proprietor included a reference to the assignor, and any sum payable by virtue of that paragraph or an agreement referred to in paragraph 14 shall—
- (i) except in a case where an agreement as to the proportions in which any sum payable in relation to the use of the design should be divided was made before 1st October 1969 under paragraph 2(3) of Schedule 1 to the ^{M61}Registered Designs Act 1949 or before the appointed day under paragraph 18(3) of Schedule 10 to the 1969 Act, or a determination as to those proportions was made by the court before that date under paragraph 3 of the said Schedule 1 or before that day under paragraph 19 of the said Schedule 10, be divided between them in such proportions as may be agreed between them or as may in default of agreement be determined by the court on a reference under paragraph 20;
- (ii) in the said excepted case, be divided in such proportions as may be provided for by the said agreement or determination; and
- (b) in relation to any use of the design made after the beginning of the appointed day, being use referable to the functions of the Corporation and made by the registered proprietor for the purpose mentioned in sub-paragraph (1)(c), paragraph 16(b) shall have effect as if that use were made by virtue of an authority continued in force by paragraph 13.
- (4) Where, under paragraph 16 or such an agreement as is referred to in paragraph 14, payments are required to be made by the Corporation to a registered proprietor in respect of any use of a design, any person, being the holder of an exclusive licence under the registered design (not being such a licence as is mentioned in sub-paragraph (2)) authorising him to make that use of the design, shall—
- (a) except where an agreement as to the recovery from the registered proprietor of a part of the payments made under paragraph 1(3) of Schedule 1 to the ^{M62}Registered Designs Act 1949 in respect of the use of the design was made before 1st October 1969 under paragraph 2(4) of that Schedule or before the appointed day under paragraph 18(4) of Schedule 10 to the 1969 Act, or a determination as to such recovery was made by the court before that date under paragraph 3 of the said Schedule 1 or before the appointed day under paragraph 19 of the said Schedule 10, be entitled to recover from the registered proprietor such part (if any) of those payments as may be agreed upon between that person and the registered proprietor or as may, in default of agreement, be determined by the court on a reference under paragraph 20 to be just having regard to any expenditure incurred by that person—
- (i) in developing the said design; or
- (ii) in making payments to the registered proprietor, other than royalties or other payments determined by reference to the use of the design, in consideration of the licence;

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- (b) in the said excepted case, be entitled to recover such part, if any, of the payments as may be provided for by the said agreement or determination; and if, at any time before the amount of any such payment has been settled, that person gives to the Corporation notice in writing of his interest, any agreement as to the amount of that payment shall be of no effect unless it is made with his consent; and for the purposes of this sub-paragraph, a notice given before 1st October 1969 to the department of the Postmaster General in pursuance of paragraph 2(4) of the said Schedule 1 or before the appointed day to the Post Office in pursuance of paragraph 18 of the said Schedule 10 shall have effect as if it had been given to the Corporation.
- (5) Where any models, documents or information relating to a registered design are used in connection with any such use of the design as is described in sub-paragraph (1), paragraph 16 shall, whether or not it applies to the use of the design, apply to the use of the models, documents or information as if for the reference therein to the registered proprietor there were substituted a reference to the person entitled to the benefit of any provision of a licence, assignment or agreement which is rendered inoperative by sub-paragraph (1) in relation to that use.
- (6) Nothing in this paragraph shall be construed as authorising the disclosure to the Corporation or any other person of any model, document or information to the use of which this paragraph applies in contravention of any such licence, assignment or agreement as aforesaid.

Textual Amendments

F127 Words inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(1), [Sch. 7 para. 27](#)

Modifications etc. (not altering text)

C38 [Sch. 5 paras. 3–22](#) modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Marginal Citations

M61 [1949 c. 88](#)

M62 [1949 c. 88.](#)

- 20 (1) Any dispute as to the exercise by the Corporation or a person authorised by it of powers subsisting by virtue of this Part, or as to terms for use thereunder of a design, or any models, documents or information relating to a design, or as to the right of any person to receive any part of a payment made in pursuance of paragraph 16 or any such agreement as is referred to in paragraph 14 may be referred to the court by either party to the dispute in such manner as is prescribed by the rules for the time being in force for the purposes of paragraph 3(1) of Schedule 1 to the ^{M63}Registered Designs Act 1949.
- (2) Sub-paragraphs (2) to (5) of paragraph 3 of the said Schedule shall have effect in relation to proceedings under sub-paragraph (1) and disputes that may be determined thereunder as they do in relation to proceedings and disputes that may be determined under sub-paragraph (1) of the said paragraph 3, but subject to the modifications that—
- (a) in sub-paragraph (2), for references to a government department there shall be substituted references to the Corporation;
- (b) in sub-paragraph (3), for the references to paragraph 1 of that Schedule and to the opinion of the government department there shall be substituted

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respectively references to paragraph 16(a) and to the opinion of the Secretary of State stated in a certificate signed by him; and

- (c) in sub-paragraph (4), for the first reference to a government department there shall be substituted a reference to the Post Office, for the second such reference there shall be substituted a reference to the department of the Postmaster General or the Post Office, and the reference to the services of the Crown shall include a reference to the purposes of the Post Office.

- (3) Any proceedings under the said paragraph 3 which are in progress immediately before the appointed day, being proceedings to which the Post Office is a party and which, if they had been commenced on or after that day, would have been commenced under this paragraph, may be continued with the substitution of the Corporation of the Post Office.

Modifications etc. (not altering text)

C39 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Marginal Citations

M63 1949 c. 88.

- 21 (1) Where, in pursuance of an agreement to which this Schedule applies, being an agreement made in relation to a design, communication of the design is made to the Corporation or a person authorised by it to consider the merits of the design, an application for the registration of the design shall not be invalidated by reason only of that communication or of anything done in consequence thereof.
- (2) An authorisation to consider the merits of a design given under subsection (3) of section 6 of the ^{M64}Registered Designs Act 1949 which is in force immediately before the appointed day and has effect as if given by the Post Office shall, so far as may be necessary in consequence of the enactment of Part I of this Act, have effect on and after that day as if given by the Corporation and, in relation to that design, the said subsection (3) shall have effect as if references to a government department included references to the Corporation.

Modifications etc. (not altering text)

C40 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Marginal Citations

M64 1949 c. 88.

- 22 Expressions to which meanings are assigned by the Registered Designs Act 1949 for the purposes of that Act have those meanings also for the purposes of this Part.

Modifications etc. (not altering text)

C41 Sch. 5 paras. 3–22 modified by [Telecommunications Act 1984 \(c.12, SIF 96\)](#), s. 109, [Sch. 6 paras. 1–14](#)

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

SCHEDULE 6

Section 89.

ENACTMENTS REPEALED

Modifications etc. (not altering text)

C42 The text of Sch. 6 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.

PART I

ENACTMENTS REPEALED ON THE PASSING OF THIS ACT

| Chapter or Number | Short title | Extent of repeal |
|------------------------|---|--|
| 31 & 32 Vict. c. 110. | The Telegraph Act 1868. | Section 11. In the Schedule, paragraphs 7 to 9, 12 and 13. |
| 41 & 42 Vict. c. 76. | The Telegraph Act 1878. | In section 2, in the definition of “telegraphic line”, the words from “and also” to “communication”. Section 14. |
| 55 & 56 Vict. c. 59. | The Telegraph Act 1892. | Section 8. |
| 1 & 2 Geo. 5. c. 26. | The Telephone Transfer Act 1911. | The whole Act. |
| 1 & 2 Geo. 5. c. 39. | The Telegraph (Construction) Act 1911. | Section 6(2). |
| 1 & 2 Eliz. 2. c. 36. | The Post Office Act 1953. | Sections 3 and 4. |
| 2 & 3 Eliz. 2. c. iv. | The Dover Harbour Consolidation Act 1954. | Section 120. |
| 9 & 10 Eliz. 2. c. 15. | The Post Office Act 1961. | The whole Act. |
| 1968 c. 13. | The National Loans Act 1968. | In Schedule 5, the entry relating to the Post Office Act 1961. |
| 1969 c. 48. | The Post Office Act 1969. | Section 1. In section 2(6), the words from “but anything” onwards. In section 6, in subsection (1) the words from “so, however” onwards, in subsection (2), paragraph (a) and, in paragraph (b), the words “after the expiration |

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of that period”, and
subsection (2A).

Section 12(10).

Section 14(18).

Section 17.

Section 19.

Sections 31 and 32.

Section 34.

Section 50.

Section 68.

Section 74(1).

Section 81(3).

Sections 82 and 83.

Section 85.

In section 86(1), in the
definition of “local authority”
the words “county borough”.

Sections 106 and 107.

Section 127.

In section 129(1), the words
“or any order made under this
Act” and “or any copy of any
such order”.

Sections 130 and 131.

In Schedule 1, paragraphs
2(2), 4(2) and 11(2), (3) and
(5).

In Schedule 4, in paragraph
2(1), in the Table, the entry
relating to section 3 of the
1953 Act and paragraphs 81,
87, 93(1)(i),(ii) and (viii), 94
and 98.

Schedule 7.

In Schedule 9, paragraphs
3(1), (3), (4) and (6), 4, 5, 8,
15, 16, 18, 19, 22 to 26, 31,
32, 36 to 47 and 50.

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Northern Ireland Legislation

| | | |
|--------------------------|---|--|
| 1970 c. 1 (N.I.). | The Harbours Act (Northern Ireland) 1970. | In section 26(4), the words “as from the appointed day within the meanin of the Post Office Act 1969”. |
| S.I. 1974/2143 (N.I. 6). | The Juries (Northern Ireland) Order 1974. | In Schedule 2, the words “Officers of the Post Office”. |

PART II

ENACTMENTS REPEALED ON THE APPOINTED DAY

| Chapter or Number | Short title | Extent of repeal |
|--------------------------|---|---|
| 26 & 27 Vict. c. 112. | The Telegraph Act 1863. | In section 24, the words from “and send” onwards. Section 34. |
| 1 & 2 Eliz. 2. c. 36. | The Post Office Act 1953. | In section 60(1), the words “or telephone kiosk or cabinet” (twice) and the words “kiosk or cabinet”. In section 61(1), the words “telegraph post” and the word “post”, in the last pace where it occurs. In section 64(1), the words “or postal telegraph office” or “public telephone call office” and the words “or a place where the public may make telephone calls”. Section 65A. In section 87(1), the definition of “telegraph post”. |
| 1967 c.62. | The Post Office (Data Processing Service) Act 1967. | The whole Act. |
| 1968 c.60. | The Theft Act 1968. | In Schedule 2, in Part I, paragraph 8. |
| 1969 c. 48. | The Post Office Act 1969. | Section 9. Section 11(7). Section 13. Section 23 to 27. |

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| | | |
|-------------|---|---|
| | | In section 29, in subsection (1), paragraphs (b) and (d) and, in subsection (2), the words “or telephone exchange attendant”. |
| | | Section 35 and 36. |
| | | Section 42. |
| | | Section 54. |
| | | Section 65. |
| | | Section 69(1) and (2). |
| | | In section 72(1), the words “or telegraphic”. |
| | | Section 78. |
| | | Section 86(3). |
| | | In section 87(1), paragraphs (a)(ii), (b)(ii) and (c)(ii). |
| | | Section 88(6). |
| | | In Schedule 4, paragraph 2(16), in paragraph 21(1), the words “telegraph, telephone, wireless, or signal station or” and paragraphs 78(1), 79, 86(1) and 93(1)(xxix). |
| 1972 c. 79. | The Post Office (Borrowing Powers) Act 1972. | The whole Act. |
| 1973 c. 36. | The Northern Ireland Constitution Act 1973. | In Schedule 3, paragraph 13, the words “telecommunications and”. |
| 1974 c. 7. | The Local Government Act 1974. | In Schedule 3, paragraph 5(a). |
| 1974 c. 8. | The Statutory Corporations (Financial Provisions) Act 1974. | In Schedule 2, paragraph 4. |
| 1975 c. 55. | The Statutory Corporations (Financial Provisions) Act 1975. | In Schedule 2, the entry relating to the Post Office. |
| | | In Schedule 4, paragraph 5. |
| 1976 c. 10. | The Post Office (Banking Services) Act 1976. | Section 2. |
| | | In section 3(2), the words from “and shall” onwards. |

Status: Point in time view as at 06/09/1994.

Changes to legislation: There are currently no known outstanding effects for the British Telecommunications Act 1981. (See end of Document for details)

Northern Ireland Legislation

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|-----------------|---|-----------------------------|
| S.I. 1973/2905. | The Local Government (Consequential Provisions) (Northern Ireland) Order 1973. | In Schedule 1, paragraph 7. |
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Status:

Point in time view as at 06/09/1994.

Changes to legislation:

There are currently no known outstanding effects for the British Telecommunications Act 1981.