



British Telecommunications Act 1981

1981 CHAPTER 38

PART II

THE POST OFFICE

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.

(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.

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 payment or reward, profit or advantage whatever is given or received for the conveyance or delivery of those letters ;

Status: This is the original version (as it was originally enacted).

- (h) the conveyance and delivery to the Post Office of pre paid 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 (f) 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 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 Pool Competitions Act 1971;
 - " bank " means—
 - (a) the Bank of England;
 - (b) a recognised bank or licensed institution within the meaning of the Banking Act 1979 ;
 - (c) the Post Office or a trustee savings bank; 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 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
 - (f) any list of items, or any copy of an item, falling within the foregoing paragraphs;

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"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 pre-paid ;

" registered pool promoter " has the meaning assigned by section 4(2) of the Betting, Gaming and Lotteries Act 1963, and "registered football pool promoter" shall be construed accordingly;

" ship " includes any boat, vessel or hovercraft.

68 Savings 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.
- (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.