

## SCHEDULES

### SCHEDULE 4

Section 88.

#### 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.

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- (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 ;
  - (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,

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- 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.
- (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 Telegraph Act 1863 or the 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.

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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 Francaise des Cables Telegraphiques 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 12(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 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.
- 17 Any such council as is mentioned in the 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.
- 18 (1) A notice given under section 26 of the 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 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 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 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

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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.
- 19 An order under section 24 of the 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.
- 20 A notice under section 24 of the Requisitioned Land and War Works Act 1945 which has been given, or has effect as if given, by or to the Post Office and is effective at the appointed day, shall, as from that day, have effect as if given by or to the Corporation.
- 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 Public Utilities 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.
- 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.

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- (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).