



# Postal Services Act 2000

## 2000 CHAPTER 26

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *General*

#### **120 Offences by bodies corporate.**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) a person purporting to act in such a capacity,he as well as the body corporate commits the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies 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.
- (3) Where an offence under this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership commits the offence and shall be liable to be proceeded against and punished accordingly.

#### **121 Service of documents.**

- (1) Any document required or authorised by virtue of this Act to be served on any person may be served—
  - (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address,

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- (b) if the person is a body corporate, by serving it in accordance with paragraph (a) on the secretary of the body, or
  - (c) if the person is a partnership, by serving it in accordance with paragraph (a) on a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the <sup>M1</sup>Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
- (a) in the case of service on a body corporate or its secretary, it shall be the address of the registered or principal office of the body,
  - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership.
- (3) For the purposes of subsection (2) the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.
- (4) Subsection (5) applies if a person to be served under this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined under subsection (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document.
- (5) In relation to that document, that address shall be treated as his proper address for the purposes of this section and section 7 of the <sup>M2</sup>Interpretation Act 1978 in its application to this section, instead of that determined under subsection (2).
- (6) This section does not apply to any document if rules of court make provision about its service.
- (7) In this section references to serving include references to similar expressions (such as giving or sending).

**Marginal Citations**

**M1** 1978 c. 30.

**M2** 1978 c. 30.

**122 Orders and regulations.**

- (1) Any power of the Secretary of State to make an order, or of the Treasury to make regulations, under this Act shall be exercisable by statutory instrument.
- (2) Any power of the Secretary of State to make an order, or of the Treasury to make regulations, under this Act—
- (a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes,
  - (b) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State or (as the case may be) the Treasury considers appropriate.

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- (3) The power of the Secretary of State under section <sup>F1</sup>...102 or 129 (including that power as extended by this section) may be exercised by modifying any enactment comprised in or made under this Act, or any other enactment.
- (4) The power of the Secretary of State under paragraph 6(1) of Schedule 8 (including that power as extended by this section) may be exercised by modifying any enactment.
- (5) The power of the Secretary of State under section <sup>F2</sup>...93, 104(4) or 112(10) as extended by this section may be exercised by modifying any enactment comprised in or made under this Act, or any other enactment.
- (6) The power of the Secretary of State under section 103 as extended by this section may be exercised by modifying any enactment.
- (7) The power of the Secretary of State under section 102, 103, 127(1) or 128 (including that power as extended by this section) may be exercised so as to make provision for the delegation of functions.
- (8) The fact that a power is conferred by this Act does not prejudice the extent of any other power so conferred.
- (9) Regulations under section 105 shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (10) An order under any of the following provisions shall, if made without a draft of it having been approved by a resolution of each House of Parliament, be subject to annulment in pursuance of a resolution of either House of Parliament: sections <sup>F3</sup>...70, 74, 102, 104(4) and 128 and paragraph 1(5) of Schedule 3 (including that paragraph as applied by section 118(3))<sup>F3</sup>... and paragraph 6(1) of Schedule 8.
- (11) An instrument containing an order under any of the provisions mentioned in subsection (10) which revokes, amends or re-enacts an order under any of the provisions mentioned in that subsection may (in spite of section 14 of the <sup>M3</sup>Interpretation Act 1978) be subject to a different procedure under that subsection from the procedure to which the instrument containing the original order was subject.
- (12) No order shall be made under section <sup>F4</sup>...93, 103, 112(10) or 127(1) unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (13) In this section references to enactment include references to any instrument or other document.

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#### **Subordinate Legislation Made**

- P1** S. 122(3) Power partly exercised: different dates appointed for specified provisions by [S.I. 2001/1148](#) art. 2 (with saving and transitional provisions in arts. 3-42)

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#### **Textual Amendments**

- F1** Words in s. 122(3) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 46\(2\)](#); [S.I. 2011/2329](#), art. 3
- F2** Word in s. 122(5) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 46\(3\)](#); [S.I. 2011/2329](#), art. 3
- F3** Words in s. 122(10) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 46\(4\)](#); [S.I. 2011/2329](#), art. 3

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**F4** Words in s. 122(12) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 46\(5\)](#); S.I. 2011/2329, art. 3

**Marginal Citations**

**M3** 1978 c. 30.

**123 Directions.**

- (1) A person to whom a direction is given under this Act shall give effect to it.
- (2) Any power conferred by this Act to give a direction shall include power to vary or revoke the direction.
- (3) Any direction given under this Act shall be in writing.
- [<sup>F5</sup>(4) OFCOM may give a direction under this Act only if they are satisfied that the direction—
  - (a) is objectively justifiable,
  - (b) does not discriminate unduly against particular persons or a particular description of persons,
  - (c) is proportionate to what it is intended to achieve, and
  - (d) is transparent in relation to what it is intended to achieve.]

**Textual Amendments**

**F5** S. 123(4) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 47](#); S.I. 2011/2329, art. 3

**124 General financial provision.**

- (1) There shall be paid out of money provided by Parliament—
  - <sup>F6</sup>(a) .....
  - (b) any expenditure incurred by the Treasury or the Secretary of State in consequence of this Act (apart from any expenditure to be met from the National Loans Fund), and
  - (c) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) There shall be paid out of, or into, the National Loans Fund any increase attributable to this Act in the sums so payable under any other enactment.
- (3) There shall be paid into the Consolidated Fund any sums received by the Treasury, the Secretary of State or the Commission in consequence of this Act (apart from any sums required to be paid into the National Loans Fund).

**Textual Amendments**

**F6** S. 124(1)(a) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 48](#); S.I. 2011/2329, art. 3

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## 125 Interpretation.

(1) In this Act, unless the context otherwise requires—

“body” includes an unincorporated association,

[<sup>F7</sup>“Citizens Advice” means the National Association of Citizens Advice Bureaux,

“Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux,]

“contravention”, in relation to any requirement, condition, direction, order or regulations, includes any failure to comply with it and cognate expressions shall be construed accordingly,

“correspondent”, in relation to a postal packet, means the sender or the person to whom it is addressed,

<sup>F8</sup> ...

“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 related expressions shall be construed accordingly,

“enactment” includes an Act of the Scottish Parliament, Northern Ireland legislation (within the meaning of the <sup>M4</sup>Northern Ireland Act 1998) and an enactment comprised in subordinate legislation, and includes an enactment whenever passed or made,

“financial year” means a year ending with 31st March,

“foreign postal administration” means a postal administration outside the United Kingdom,

[<sup>F7</sup>“the GCCNI” means the General Consumer Council for Northern Ireland,]

“hovercraft” has the same meaning as in the <sup>M5</sup>Hovercraft Act 1968,

“letter” means any communication in written form on any kind of physical medium to be conveyed and delivered otherwise than electronically to the person or address indicated by the sender on the item itself or on its wrapping (excluding any book, catalogue, newspaper or periodical); and includes a postal packet containing any such communication,

“mail-bag” includes any form of container or covering in which postal packets in the course of transmission by post are enclosed by a postal operator in the United Kingdom or a foreign postal administration for the purpose of conveyance by post, whether or not it contains any such packets,

“modify” includes amend or repeal,

“Northern Ireland junior Minister” means a member of the Northern Ireland Assembly appointed as a junior Minister under section 19 of the <sup>M6</sup>Northern Ireland Act 1998,

“Northern Ireland Minister” includes the First Minister and the deputy First Minister in Northern Ireland,

“notice” means notice in writing,

[<sup>F9</sup>“OFCOM” means the Office of Communications,]

“post office” includes any house, building, room, vehicle or place used for the provision of any postal services,

“post office letter box” includes any pillar box, wall box, or other box or receptacle provided by a postal operator for the purpose of receiving postal packets, or any class of postal packets, for onwards transmission by post,

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[<sup>F10</sup>“postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 27(3) to (5) of that Act),]

“postal packet” means a letter, parcel, packet or other article transmissible by post,

“postal services” means the service of conveying postal packets from one place to another by post, the incidental services of receiving, collecting, sorting and delivering such packets and any other service which relates to any of those services and is provided in conjunction with any of them,

<sup>F11</sup> ...

“public holiday” means Christmas Day, Good Friday or a day which is a bank holiday under the <sup>M7</sup>Banking and Financial Dealings Act 1971 in any part of the United Kingdom,

[<sup>F12</sup>“public post office” means any post office from which any postal services are provided directly to the public (whether or not together with other services),]

“registered post service” means a postal service which provides for the registration of postal packets in connection with their transmission by post and for the payment of compensation for any loss or damage,

[<sup>F7</sup>“sender”, in relation to any letter or other communication, means the person whose communication it is,

“ship” includes any boat, vessel or hovercraft,

“subordinate legislation” has the same meaning as in the <sup>M8</sup>Interpretation Act 1978 and also includes an instrument made under an Act of the Scottish Parliament and an instrument made under Northern Ireland legislation (within the meaning of section 98(1) of the <sup>M9</sup>Northern Ireland Act 1998),

[<sup>F13</sup>references to the provision of a “universal postal service” are to be read in accordance with sections 30 to 33 and section 65(3) of the Postal Services Act 2011,]

[<sup>F13</sup>“universal postal service letter box” has the meaning given by section 86 of this Act,]

[<sup>F13</sup>“universal postal service post office” has the meaning given by that section,]

[<sup>F13</sup>“universal service provider” has the meaning given by section 65(1) of the Postal Services Act 2011,]

“users”, in relation to postal services, includes users as addressees and potential users,

“vehicle” includes a railway vehicle, and

“working day” means—

- (a) in relation to the collection and delivery of letters, any day which is not a Sunday or a public holiday,
- (b) in relation to the collection and delivery of postal packets other than letters, any day which is not a Saturday, a Sunday or a public holiday.

(2) For the purposes of the definition of “letter” in subsection (1) the reference to a communication to be conveyed and delivered otherwise than electronically shall be construed as a reference to a communication to be conveyed and delivered otherwise than—

- (a) by means of [<sup>F14</sup>an electronic communications network], or
- (b) by other means but while in electronic form.

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- (3) For the purposes of this Act—
- (a) a postal packet shall be taken to be in course of transmission by post from the time of its being delivered to any post office or post office letter box to the time of its being delivered to the addressee,
  - (b) the delivery of a postal packet of any description to a letter carrier or other person authorised to receive postal packets of that description for the post or to a person engaged in the business of a postal operator to be dealt with in the course of that business shall be a delivery to a post office, and
  - (c) the delivery of a postal packet—
    - (i) at the premises to which it is addressed or redirected, unless they are 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
    - (iii) to the addressee’s agent or to any other person considered to be authorised to receive the packet,shall be a delivery to the addressee.
- (4) Any reference in this Act to a subsidiary or wholly owned subsidiary shall be construed in accordance with [F15section 1159 of the Companies Act 2006].]

#### Textual Amendments

- F7** Words in s. 125(1) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 7(4)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F8** Words in s. 125(1) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 7(4)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F9** Words in s. 125(1) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 49(2)**; S.I. 2011/2329, art. 3
- F10** Words in s. 125(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 49(3)**; S.I. 2011/2329, art. 3
- F11** Words in s. 125(1) omitted (31.12.2020) by virtue of [The Postal and Parcel Services \(Amendment etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1417\)](#), regs. 1, **2(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in s. 125(1) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 49(5)**; S.I. 2011/2329, art. 3
- F13** Words in s. 125(1) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 49(6)**; S.I. 2011/2329, art. 3
- F14** Words in s. 125(2)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 162(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F15** Words in s. 125(4) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 183(5)** (with art. 10)

#### Marginal Citations

- M4** 1998 c. 47.  
**M5** 1968 c. 59.

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**M6** 1998 c. 47.  
**M7** 1971 c. 80.  
**M8** 1978 c. 30.  
**M9** 1998 c. 47.

## **F16** 126 Index of defined expressions.

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### **Textual Amendments**

**F16** S. 126 omitted (1.10.2011) by virtue of Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 50**; S.I. 2011/2329, art. 3

## **127** General amendments and repeals.

- (1) The Secretary of State may by order make such supplementary, incidental or consequential provision as he considers necessary or expedient for the general purposes, or any particular purpose, of this Act or in consequence of any provision made by or under this Act or for giving full effect to this Act or any such provision.
- (2) The power conferred by subsection (1) (including that power as extended by section 122) may, in particular, be exercised by modifying any enactment, instrument or other document.
- (3) No other provision of this Act restricts the power conferred by subsection (1).
- (4) Schedule 8 (which contains amendments of enactments) shall have effect.
- (5) Any amendment by that Schedule of an enactment comprised in subordinate legislation is without prejudice to any power to make further subordinate legislation modifying the amended enactment.
- (6) Schedule 9 (which contains repeals and revocations of enactments including enactments which are already obsolete or unnecessary) shall have effect.

### **Commencement Information**

- I1** S. 127(1)-(3)(5) in force at Royal Assent see s. 130; s. 127(4)(6) in force for specified purposes at 6.11.2000, in force for further specified purposes at 1.1.2001 by **S.I. 2000/2957, arts. 2(1)(2), Schs. 1, 2** (with transitional provisions in **arts. 3-8**); s. 127(4) in force in so far as not already in force 26.3.2001 by **S.I. 2001/1148, art. 2, Sch.** (subject to **arts. 3-42**); s. 127(6) in force for further specified purposes 26.3.2001 by **S.I. 2000/2957, art. 2(3), Sch. 3** (with transitional provisions in **arts. 3-8**), **S.I. 2001/878, art. 2, Sch.**, **S.I. 2001/1148, art. 2, Sch.** (subject to transitional provisions in **arts. 3-42**)
- I2** S. 127(6) in force at 1.5.2007 for specified purposes by **S.I. 2007/1181, art. 2, Sch.**

## **128** Modifications of local enactments etc.

- (1) The Secretary of State may by order make such supplementary, incidental or consequential provision in relation to local enactments as he considers necessary or expedient for the general purposes, or any particular purpose, of this Act or in



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consequence of any provision made by or under this Act or for giving full effect to this Act or any such provision.

- (2) The power conferred by subsection (1) (including that power as extended by section 122) may, in particular, be exercised by modifying any local enactment or any instrument or other document which is not an Act.
- (3) No other provision of this Act restricts the power conferred by subsection (1).
- (4) In this section “local enactment” means—
  - (a) a local or private Act,
  - (b) a public general Act relating to London,
  - (c) an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure, or
  - (d) an enactment in a public general Act amending anything falling within paragraphs (a) to (c).

## **129 Transitional provisions etc.**

The Secretary of State may by order make such provision as he considers necessary or expedient for transitory, transitional or saving purposes in connection with the coming into force of any provision of this Act.

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### **Subordinate Legislation Made**

- P2** [S. 129](#) power exercised: 26.3.2001 appointed for specified provisions by [S.I. 2001/878](#) art. 2, Sch. (with saving and transitional provisions in arts. 3-17)  
[S. 129](#) Power partly exercised: different dates appointed for specified provisions by [S.I. 2001/1148](#) art. 2 (with saving and transitional provisions in arts. 3-42)

**Changes to legislation:**

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