

## SCHEDULES

### SCHEDULE 12

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

###### POSTAL SERVICES ACT 2000

- 1 The Postal Services Act 2000 is amended as follows.
- 2 Omit sections 1 and 3 to 5 (introductory).
- 3 Omit sections 6 to 41 (licences for postal services).
- 4 Omit sections 42 to 50 (the Postal Services Commission).
- 5 Omit sections 60 to 61A (the Postal Services Commission and the Council).
- 6 In section 62 (transfer of property etc to nominated company), omit subsections (1) to (5), (7) and (8).
- 7 For section 63 substitute—

###### “63 Power to direct issue of certain securities etc

- (1) This section applies to—
  - (a) a Post Office company,
  - (b) a Royal Mail company, or
  - (c) a company in the same group as a company within paragraph (a) or (b),that is wholly owned by the Crown.
- (2) The Secretary of State may direct a company to which this section applies to issue securities to—
  - (a) the Secretary of State or the Treasury (or to a nominee of either of them), or
  - (b) a parent company that is wholly owned by the Crown.
- (3) A direction must specify—
  - (a) the kind and amount of securities to be issued,
  - (b) the terms of issue, and
  - (c) the date at or by which the securities must be issued.
- (4) Any shares issued in pursuance of a direction under this section are to be—
  - (a) issued as fully paid, and
  - (b) treated for the purposes of the Companies Acts as if they had been paid up by virtue of payment of their nominal value in cash.

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- (5) A direction under this section may be given only with the consent of the Treasury.
- (6) Before giving a direction under this section, the Secretary of State must consult—
- (a) the company to whom the direction is to be given, and
  - (b) if the company has a parent company, its parent company (or, if it has more than one parent company, the parent company that does not itself have a parent company)."
- 8 (1) Section 64 (government investment in certain securities) is amended as follows.
- (2) In the heading, for **"the Post Office company and its subsidiaries"** substitute **"certain companies"**.
- (3) In subsection (1), for "the Post Office company or of any of its subsidiaries" substitute "—
- (a) a Post Office company,
  - (b) a Royal Mail company, or
  - (c) a company in the same group as a company within paragraph (a) or (b)."
- (4) After that subsection insert—
- “(1A) Securities acquired under this section may be held by a nominee.”
- (5) Omit subsection (3).
- 9 (1) Section 68 (loans by the Secretary of State to the Post Office company etc) is amended as follows.
- (2) In the heading, for **"the Post Office company and its subsidiaries"** substitute **"relevant companies"**.
- (3) In subsection (1), for "the Post Office company or any of its subsidiaries" substitute "a relevant company".
- (4) After that subsection insert—
- “(1A) In this Part "relevant company" means—
- (a) a Post Office company,
  - (b) a Royal Mail company, or
  - (c) a company that is, or has at any time been, in the same group as a company within paragraph (a) or (b)."
- 10 (1) Section 69 (guarantees by the Secretary of State for the Post Office company etc) is amended as follows.
- (2) In the heading, for **"the Post Office company and its subsidiaries"** substitute **"relevant companies"**.
- (3) In subsection (1), for "the Post Office company or any of its subsidiaries" substitute "a relevant company".
- (4) In subsection (3), for "the Post Office company or the subsidiary concerned" substitute "the relevant company".

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- 11 (1) Section 70 (extinguishment of certain liabilities) is amended as follows.
- (2) In subsections (1) and (2), for “the Post Office company or of any of its subsidiaries” substitute “a relevant company”.
- (3) For subsections (3) and (4) substitute—
- “(3) Before exercising a power under subsection (1) or (2), the Secretary of State must consult—
- (a) the relevant company, and
- (b) if the relevant company has a parent company, its parent company (or, if it has more than one parent company, the parent company that does not itself have a parent company).”
- 12 In section 71(1) and (2) (limit on loans and other arrangements with government), for “the Post Office company and any of its subsidiaries” substitute “relevant companies”.
- 13 (1) Section 72 (reserves of the Post Office company and its subsidiaries) is amended as follows.
- (2) In the heading, for “**the Post Office company and its subsidiaries**” substitute “**relevant companies**”.
- (3) In subsection (1)—
- (a) for “the Post Office company”, in the first place, substitute “a relevant company that does not have a parent company (“the relevant company)”, and
- (b) in paragraphs (a), (b) and (c), for “the Post Office company” substitute “the relevant company”.
- (4) For subsection (6) substitute—
- “(5A) No direction under this section may be given to, or in respect of, a company that is not wholly owned by the Crown.
- (6) Before giving a direction under this section to a company, the Secretary of State must consult the company.”
- 14 In section 73 (statutory accounts of the Post Office company), for “the Post Office company”, in each place, substitute “the original holding company”.
- 15 (1) Section 74 (further provisions relating to the capital structure of the Post Office company) is amended as follows.
- (2) In the heading, for “**the Post Office company**” substitute “**certain relevant companies**”.
- (3) In subsection (1), for “the Post Office company” substitute “a company within subsection (1A)”.
- (4) After that subsection insert—
- “(1A) A company is within this subsection if—
- (a) it is a relevant company,
- (b) it is wholly owned by the Crown, and
- (c) it does not have a parent company.”

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- (5) In subsection (3)—
- (a) for “The Post Office company” substitute “A company within subsection (1A)”, and
  - (b) at the end insert “(or their nominees)”.
- (6) In subsection (4), after “the Secretary of State” insert “(or a nominee of the Secretary of State)”.
- (7) In subsection (7)(b), for “the Post Office company” substitute “the relevant company”.
- 16 Omit section 75 (dissolution of the Post Office).
- 17 (1) Section 77 (publicity requirements for certain accounts and reports of the Post Office company) is amended as follows.
- (2) In the heading, omit “**of the Post Office company**”.
  - (3) Before subsection (1) insert—
 

“(A1) This section applies to—

    - (a) a relevant company that is wholly owned by the Crown and does not have a parent company, and
    - (b) the original holding company if it is wholly owned by the Crown.”
  - (4) In subsections (1) and (2), for “The Post Office company” substitute “A company to which this section applies”.
- 18 (1) Section 78 (information requirements on the Post Office company) is amended as follows.
- (2) In the heading, for “**the Post Office company**” substitute “**certain relevant companies**”.
  - (3) Before subsection (1) insert—
 

“(A1) This section applies to—

    - (a) a relevant company that is wholly owned by the Crown and does not have a parent company, and
    - (b) the original holding company if it is wholly owned by the Crown.”
  - (4) In subsection (1), for “, on or after the appointed day, serve notice on the Post Office company” substitute “serve notice on a company to which this section applies”.
- 19 Omit section 79 (exercise of functions through nominees).
- 20 In section 80(1) (shadow directors), for “the Post Office company” substitute “a relevant company any part of which is owned by the Crown”.
- 21 In section 82(1) (interpretation of Part 4)—
- (a) after the definition of “the appointed day” insert—
 

““the Companies Acts” has the meaning given by section 2 of the Companies Act 2006,  
 “company” includes any body corporate,”
  - (b) for the definitions of “the Post Office company” and “relevant subsidiary” substitute—

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“any reference to a company being in the same “group” as another company is to be read in accordance with section 15(4) of the Postal Services Act 2011,

“the original holding company” has the meaning given by section 15 of the Postal Services Act 2011,

any reference to a company being a “parent” of another company is to be read in accordance with section 1162 of the Companies Act 2006,

“Post Office company” has the meaning given by section 6 of the Postal Services Act 2011,

“relevant company” has the meaning given by section 68(1A) of this Act,

“Royal Mail company” has the meaning given by section 2 of the Postal Services Act 2011,”

(c) omit the definition of “share rights”, and

(d) for the definition of “wholly owned by the Crown” substitute—

““wholly owned by the Crown” has the meaning given by section 15 of the Postal Services Act 2011.”

22 For the heading of Part 6 substitute “POSTAL SERVICES: SUPPLEMENTARY”.

23 (1) Section 89 (schemes as to terms and conditions for provision of a universal postal service) is amended as follows.

(2) In the heading, for “**a universal postal service**” substitute “**postal services**”.

(3) For subsection (1) substitute—

“(1) A postal operator may make a scheme under this section in relation to any or all of the postal services provided by the operator.”

(4) In subsection (2)—

(a) at the end of paragraph (a), insert “and”, and

(b) omit paragraph (c) (together with the “and” before it).

(5) In subsections (3)(a), (4)(a) and (7), for “the universal service provider concerned” substitute “the postal operator”.

24 After section 89 insert—

**“89A Powers of OFCOM in relation to schemes**

(1) A postal operator may not make a scheme under section 89 unless—

(a) the operator has notified OFCOM of the scheme that the operator is proposing to make, and

(b) the operator has carried out a consultation exercise in relation to the proposed scheme in accordance with requirements contained in a notification published by OFCOM.

(2) OFCOM may give a direction to a postal operator who has notified a scheme to them under subsection (1)(a) requiring the operator to make such modifications of the scheme as are specified in the direction.

(3) Before giving a direction under subsection (2), OFCOM must publish a notification—

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- (a) setting out the terms of the scheme that the operator proposes to make,
  - (b) stating that OFCOM are proposing to give a direction under subsection (2) modifying the scheme,
  - (c) setting out the effect of the proposed modification,
  - (d) giving reasons for making the proposed modification, and
  - (e) specifying the period within which representations may be made to them about the proposed modification.
- (4) The specified period must be at least one month beginning with the day after the day the notification under subsection (3) is published.
- (5) OFCOM may not give a direction under subsection (2) unless they have considered every representation and proposal made to them during the period specified in that notification.
- (6) If the scheme is not in force at the time at which that notification is published, the operator may not bring the scheme into force until such time as OFCOM may direct.
- (7) OFCOM must publish a notification of any direction that they make under subsection (2).
- (8) The publication of a notification under this section must be in such manner as OFCOM consider appropriate for bringing its contents to the attention of such persons as they consider appropriate.
- (9) An obligation imposed on a postal operator by a direction under subsection (2) is enforceable by OFCOM under Schedule 7 to the Postal Services Act 2011 (enforcement of regulatory requirements).”
- 25 (1) Section 90 (exclusion of liability) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) This section applies in relation to—
- (a) the provision by a universal service provider of a universal postal service, and
  - (b) the provision by a postal operator of a service in relation to which a scheme under section 89 (made by the operator) applies.
- (A2) In this section—
- (a) “the operator” means the universal service provider or the postal operator concerned, and
  - (b) “the service” means the service mentioned in subsection (A1)(a) or (b) (as the case may be).”
- (3) In subsection (1)—
- (a) for “a universal service provider” substitute “the operator”, and
  - (b) for “a universal postal service” substitute “the service”.
- (4) In subsection (2)—
- (a) for “a universal service provider” substitute “the operator”,
  - (b) for “the provider”, in both places, substitute “the operator”, and
  - (c) in paragraph (b), for “an inland packet” substitute “a postal packet”.

- (5) In subsection (3)—
- (a) for “the universal service provider concerned” substitute “the operator”,
  - (b) for “the provider” substitute “the operator”, and
  - (c) in paragraph (b), for “an inland packet” substitute “a postal packet”.
- 26 (1) Section 91 (limited liability for registered inland packets) is amended as follows.
- (2) In the heading, for “**registered inland packets**” substitute “**postal packets**”.
- (3) In subsection (1)—
- (a) for “a universal service provider” substitute “a postal operator”,
  - (b) for “an inland packet” substitute “a postal packet”, and
  - (c) for “the universal service provider” substitute “the operator”.
- (4) In subsection (2), for “the universal service provider” substitute “the postal operator”.
- (5) In subsection (4), for “universal service provider” substitute “postal operator”.
- (6) Omit subsection (6).
- 27 In section 93(2) (power to modify sections 89 to 92 of that Act), for “the Commission” substitute “OFCOM”.
- 28 (1) Section 97 (harbour charges on mail-bags) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “a universal service provider in connection with the provision of a universal postal service” substitute “a postal operator in connection with the provision of postal services”, and
  - (b) in paragraphs (b) and (c), for “such a provider in connection with the provision of such a service” substitute “a postal operator in connection with the provision of postal services”.
- (3) In subsection (2)(b), for “a universal service provider in connection with the provision of a universal postal service” substitute “a postal operator in connection with the provision of postal services”.
- 29 In section 98 (mail-bags not to be subject to control by harbour authorities)—
- (a) in paragraph (a), for “a universal service provider in connection with the provision of a universal postal service” substitute “a postal operator in connection with the provision of postal services”,
  - (b) in paragraph (b), for “such a provider in the provision of such a service” substitute “a postal operator in connection with the provision of postal services”,
  - (c) in paragraph (c), for “such a provider in connection with the provision of such a service” substitute “a postal operator in connection with the provision of postal services”, and
  - (d) in paragraph (d), for “a universal service provider in connection with the provision of a universal postal service” substitute “a postal operator in connection with the provision of postal services”.
- 30 In section 99 (common carriers)—
- (a) for “universal service provider” substitute “postal operator”, and
  - (b) for “a universal postal service” substitute “postal services”.

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- 31 (1) Section 100 (certain exemptions from postage etc.) is amended as follows.
- (2) Omit subsections (1) to (3).
- (3) In subsection (4)—
- (a) for “universal service provider” substitute “postal operator”, and
- (b) for “a universal postal service” substitute “postal services”.
- (4) In subsection (5), for “universal service provider” substitute “postal operator”.
- 32 (1) Section 101 (directions in interests of national security etc) is amended as follows.
- (2) In subsection (1), for the words from “such directions” to “functions” substitute “a direction to OFCOM in connection with the exercise of their functions relating to postal services”.
- (3) In subsection (2), for “the Commission” substitute “OFCOM”.
- (4) In subsection (3), for the words from “such directions” to the end substitute “a direction (relating to the provision of postal services) to—
- (a) a postal operator,
- (b) a description of postal operators, or
- (c) all postal operators.”
- (5) In subsection (4), for “licence holder” substitute “postal operator”.
- (6) In subsection (5), for “the Commission” substitute “OFCOM”.
- (7) For subsection (6) substitute—
- “(6) Before giving a direction under subsection (3) to a particular postal operator (as opposed to all postal operators or a description of them), the Secretary of State must consult the operator.”
- (8) In subsection (7)(a), for “the Commission” substitute “OFCOM”.
- 33 (1) Section 102 (power to ensure compliance with the Postal Services Directive) is amended as follows.
- (2) In subsection (1)(a)(i), for “a Community obligation” substitute “an EU obligation”.
- (3) In subsection (3)(a), for “the Commission” substitute “OFCOM”.
- 34 In section 104(3) (inviolability of mails)—
- (a) omit paragraphs (a) and (b), and
- (b) before paragraph (c) insert—
- “(ba) a power conferred by section 104A.”.
- 35 After section 104 insert—

**“104A Power to detain packets in respect of unpaid or underpaid postage**

- (1) A postal operator—
- (a) may detain any postal packet in respect of which there has been no payment, or an underpayment, for postage, and
- (b) may impose a surcharge in respect of that non-payment or underpayment.



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- (2) A postal operator may detain the packet until the correct postage and any surcharge have been paid.
- (3) OFCOM may give a direction to a postal operator—
  - (a) limiting the amount of any surcharge, and
  - (b) limiting the length of time for which a postal packet may be detained under subsection (2) (and, if a direction is given under this paragraph, that subsection has effect subject to the direction).
- (4) Where a direction is given to an operator limiting the amount of a surcharge, subsection (2) has effect in relation to the operator (in any case where the surcharge would otherwise exceed the amount specified in the direction) as if the surcharge were equal to the amount specified in the direction.
- (5) Before giving a direction to a postal operator under this section, OFCOM must—
  - (a) inform the operator that they propose to give it a direction, and
  - (b) allow the operator an opportunity to make representations about the proposal.”

36 In section 105 (application of customs and excise enactments to certain postal packets), after subsection (4) insert—

“(4A) A postal operator may detain a postal packet to which this section applies until any duties and charges in respect of the packet that are recoverable by virtue of subsection (3) have been paid.”

37 After section 105 insert—

**“105A Section 105: limit on handling charges etc**

- (1) OFCOM may give a direction to a postal operator—
  - (a) limiting the amount of any handling charge, and
  - (b) limiting the length of time for which a postal packet may be detained under section 105(4A) (and, if a direction is given under this paragraph, that subsection has effect subject to the direction).
- (2) Where a direction is given to an operator limiting the amount of a handling charge, section 105(3) to (4A) have effect in relation to the operator (in any case where the charge would otherwise exceed the amount specified in the direction) as if the charge were equal to the amount specified in the direction.
- (3) Before giving a direction to a postal operator under this section, OFCOM must—
  - (a) inform the operator that they propose to give it a direction, and
  - (b) allow the operator an opportunity to make representations about the proposal.
- (4) In this section “handling charge” means a charge payable to a postal operator, in respect of a postal packet, for the performance by the operator of all or any of the duties mentioned in section 105(2)(c).”

38 (1) Section 111 (exclusion of liability in relation to postal and money orders) is amended as follows.

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- (2) In subsection (1)—
  - (a) for “the Post Office company”, in the first place, substitute “a Post Office company”, and
  - (b) in paragraphs (a) and (b), for “the Post Office company” substitute “the company”.
- (3) In subsections (2) and (3), for “the Post Office company” substitute “a Post Office company”.
- (4) In subsection (4)—
  - (a) for “the Post Office company”, in the first place, substitute “a Post Office company”, and
  - (b) for “the Post Office company”, in the second place, substitute “the company”.
- (5) In subsection (5)—
  - (a) for “the Post Office company”, in the first place, substitute “a Post Office company”, and
  - (b) for “the Post Office company”, in the second place, substitute “the company”.
- (6) In subsection (6)—
  - (a) for “the Post Office company”, in the first place, substitute “a Post Office company”, and
  - (b) for “the Post Office company”, in the second and third places, substitute “the company”.
- (7) In subsection (7), for “the Post Office company” substitute “a Post Office company”.
- (8) After subsection (8) insert—
  - “(8A) In this section and sections 112 to 114 “Post Office company” has the meaning given by section 6 of the Postal Services Act 2011.”
- 39 (1) Section 112 (schemes in relation to postal and money orders) is amended as follows.
  - (2) In subsections (1) and (2), for “The Post Office company” substitute “A Post Office company”.
  - (3) In subsections (5) and (8), for “the Post Office company” substitute “a Post Office company”.
- 40 (1) Section 113 (recoupment of losses on wrongly paid money orders) is amended as follows.
  - (2) In subsection (1)—
    - (a) in paragraph (a), for “the Post Office company” substitute “a Post Office company”, and
    - (b) in paragraph (b), for “the Post Office company” substitute “a Post Office company (“the company”)”.
  - (3) In subsection (2), for “the Post Office company” substitute “the company”.
- 41 (1) Section 114 (special arrangements with other countries or territories) is amended as follows.

- (2) In subsection (1), for “the Post Office company” substitute “a Post Office company”.
  - (3) In subsection (2)—
    - (a) for “the Post Office company”, in the first place, substitute “a Post Office company”, and
    - (b) for “the Post Office company”, in the second place, substitute “the company”.
- 42 (1) Section 116 (the Postcode Address File) is amended as follows.
- (2) In subsection (2), for “the Commission” substitute “OFCOM”.
  - (3) After that subsection insert—
    - “(2A) OFCOM may give a direction to the owner for the time being of the Postcode Address File requiring the owner—
      - (a) to issue, and comply with, a code of practice dealing with the making of revisions to the File, or
      - (b) to make such modifications of the code as are specified in the direction.
    - (2B) A direction under subsection (2A) is enforceable under Schedule 7 to the Postal Services Act 2011; but, where it is given to a person who is not providing a postal service, that Schedule has effect with the omission of paragraphs 7(2) and (3), 8(4) and 11.”
  - (4) After subsection (4) insert—
    - “(5) OFCOM may give a direction to the owner of the Postcode Address File as to the terms that may be imposed under subsection (1)(b).
    - (6) If it does so, no term that contravenes the direction may be imposed under that provision.”
- 43 Omit section 117 (records of the former Postmaster General’s department).
- 44 Omit section 118 (supplementary provisions about the Council).
- 45 Omit section 119 (general restriction on disclosure of information).
- 46 (1) Section 122 (orders and regulations) is amended as follows.
- (2) In subsection (3), omit “9, 10,”.
  - (3) In subsection (5), omit “8,”.
  - (4) In subsection (10), omit “10, 38(8), 58(7), 59(2),” and “, paragraph 4 of Schedule 7”.
  - (5) In subsection (12), omit “8, 9, 30(2),”.
- 47 In section 123 (directions), at the end insert—
  - “(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

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(d) is transparent in relation to what it is intended to achieve.”

48 In section 124(1) (general financial provision), omit paragraph (a).

49 (1) Section 125(1) (interpretation) is amended as follows.

(2) After the definition of “notice” insert—

““OFCOM” means the Office of Communications,”.

(3) For the definition of “postal operator” substitute—

““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),”.

(4) In the definition of “the Postal Services Directive”, for the words from “implementation” to the end substitute “improvement of quality of service, as amended from time to time,”.

(5) After the definition of “public holiday” insert—

““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),”.

(6) After the definition of “subordinate legislation” insert—

“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,

“universal postal service letter box” has the meaning given by section 86 of this Act,

“universal postal service post office” has the meaning given by that section,

“universal service provider” has the meaning given by section 65(1) of the Postal Services Act 2011,”.

50 Omit section 126 (index).

51 Omit Schedule 1 (the Postal Services Commission).

52 (1) Schedule 3 (transfer to the Post Office company: supplementary provisions) is amended as follows.

(2) Omit paragraphs 6(1), 7, 9 and 10.

(3) In the other provisions, for “the Post Office company”, in each place, substitute “the original holding company”.

53 In Schedule 4 (transfer to the Post Office company: tax), omit paragraphs 5 and 9.

54 (1) Schedule 5 (acquisition of land) is amended as follows.

(2) In paragraph 1(1), for “required for any purpose in connection with the provision of a universal postal service” substitute “where it is necessary to do so for the purpose of providing a universal postal service”.

(3) In paragraph 2(1), for “required for any purpose in connection with the provision of a universal postal service” substitute “where it is necessary to do so for the purpose of providing a universal postal service”.

(4) In paragraph 3(1), for paragraphs (a) and (b) substitute—

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- “(a) which it is necessary to acquire for the purpose of providing a universal postal service, or
- (b) as to which it can reasonably be foreseen that it will be so necessary,”.

55 Omit Schedule 7 (disclosure of information).