

1973 No. 959**POST OFFICE****The Postal Services (Isle of Man) Order 1973***Made* - - - - - *24th May 1973**Coming into Operation* *5th July 1973*

At the Court at Buckingham Palace, the 24th day of May 1973

Present,

The Queen's Most Excellent Majesty in Council

Whereas an agreement has been concluded between the Minister of Posts and Telecommunications and the Government of the Isle of Man providing for the surrender by the Post Office, as regards the Isle of Man, of the privilege conferred on the Post Office by section 3 of the Post Office Act 1953(a) and the administration in that Island of postal services by, or under the authority of, the Government of the Island instead of by the Post Office:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 87(1) of the Post Office Act 1969(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Postal Services (Isle of Man) Order 1973 and shall come into operation on 5th July 1973.

2. This Order applies only to the Isle of Man.

3.—(1) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and section 38 of that Act (effect of repeals) shall apply as if this Order were an Act of Parliament.

(2) Any reference in this Order to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended, and as including a reference to it as extended or applied, by or under any other enactment, including the Post Office Act 1969, or by this Order.

4. The agreement mentioned in the preamble to this Order and set out in Schedule 1 thereto shall have the force of law.

5. Sections 12, 13, 20, 23, 30, 64, 66, 67, 73, 79 and 84 of the Post Office Act 1969 are hereby repealed.

(a) 1953 c. 36.

(b) 1969 c. 48.

(c) 1889 c. 63.

6. The provisions of the Post Office Act 1969 specified in Schedule 2 to this Order shall be amended in the manner specified in relation thereto in that Schedule.

7. The provisions of the Post Office Act 1953, except section 65A as inserted by paragraph 8 of Schedule 2 to the Theft Act 1968(a) (fraudulent use of public telephone and telex system), and those specified in Schedule 3 to this Order, are hereby repealed and the provisions so specified shall be amended in the manner specified in relation thereto in that Schedule.

W. G. Agnew.

SCHEDULE 1

Article 4

AGREEMENT BETWEEN THE MINISTER OF POSTS AND TELECOMMUNICATIONS AND THE GOVERNMENT OF THE ISLE OF MAN

This Agreement made the fourth day of May One thousand nine hundred and seventy three between the Right Honourable Sir John Eden Bt., M.P. Her Majesty's Minister of Posts and Telecommunications in exercise of the powers conferred on him by the Post Office Act 1969 and on behalf of Her Majesty of the one part and the Government of the Isle of Man acting by and through George Victor Harris Kneale, Esquire, Member of the House of Keys, Chairman of the Isle of Man Post Office Authority of the other part.

Whereas subsection (1) of section 87 of the Post Office Act 1969 makes provision in the event of the conclusion of an agreement between the Minister of Posts and Telecommunications and the Government of the Isle of Man for the surrender by the Post Office as regards that Isle of the privilege conferred on the Post Office by section 3 of the Post Office Act 1953, as amended by section 23 of the Post Office Act 1969, and for the administration in that Isle of postal services by or under the authority of that Government instead of by the Post Office.

Now it is hereby agreed as follows:

1. This Agreement takes effect on the fifth day of July One thousand nine hundred and seventy three.

2. The Post Office surrenders as regards the Isle of Man the exclusive privilege conferred on the Post Office by section 3 of the Post Office Act 1953 as amended by section 23 of the Post Office Act 1969, and the postal services shall be administered in that Isle by or under the authority of the Government of the Isle of Man instead of by the Post Office.

3. If, in the opinion of the Minister of Posts and Telecommunications, it is requisite or expedient in the interests of national security or relations with the government of a country or territory outside the British Islands or, in relation to the Isle of Man, in order to discharge or facilitate the discharge of an obligation of Her Majesty's Government in the United Kingdom by virtue of its being a member of an international organisation or a party to an international agreement, to attain, or facilitate the attainment of, any other object in view of that Government being a member or party as aforesaid, or to enable that Government to become a member or party as aforesaid, that any thing should be done or not done, the Government of the Isle of Man will do what is necessary to secure that it is done or not, as the case may be.

(a) 1968 c. 60.

4. The Isle of Man Post Office Authority will receive, collect and deliver written telegrams transmitted or to be transmitted by the Post Office, in accordance with (and at the tariffs prescribed by or under) the relevant schemes made from time to time by the Post Office under section 28 of the Post Office Act 1969.

5. (i) The Isle of Man Post Office Authority will perform the services described in paragraph (ii) for and on behalf of the Post Office if, and in such manner, and for so long as, the Minister of Posts and Telecommunications, after consultation with the Post Office and the Isle of Man Post Office Authority, may from time to time require for the purpose of the provision by the Post Office in the Isle of Man of its inland and international telegram services.

(ii) The Authority will in accordance with paragraph (i):

(a) collect charges payable under the tariffs referred to in Article 4;

(b) by means of telecommunication equipment provided for that purpose by the Post Office (and with the licence of the Post Office under section 27 of the said Act where required) transmit and receive telegrams within the Island and from and at places in the Island to and from Post Office establishments in the United Kingdom.

In witness whereof the Minister of Posts and Telecommunications has hereunto set his hand and seal and the said George Victor Harris Kneale has signed these presents for and on behalf of the Government of the Isle of Man, the day and year first above written.

Signed sealed and delivered
by the said Sir John Eden in
the presence of:—
A. Fortnam
Civil Servant.

}

John Eden

Signed by the said George
Victor Harris Kneale in
the presence of:—
S. V. Thomas.

}

G. V. H. Kneale

Article 6

SCHEDULE 2

AMENDMENTS TO THE POST OFFICE ACT 1969 IN ITS APPLICATION TO THE ISLE OF MAN

1. Section 9 (general duty of the Post Office) shall apply only in relation to the power to provide and the provision of telecommunication services.

2. Section 14 (the Post Office Users' Councils) shall apply only in relation to telecommunication services.

3. Section 15 (duty of the Post Office to consult the Post Office Users' National Council about certain proposals) shall apply only in relation to proposals relating to telecommunication services.

4. In section 28 (schemes for determining charges and other terms and conditions applicable to services) in subsection (1) for the words "any of the services" there shall be substituted the words "any of the telecommunication services".

5. In section 29 (exclusion of liability of the Post Office, its officers and servants, in relation to posts and telecommunications) in subsection (1) there shall be omitted the words "Save as provided by the next following section," and in subsection (3) after the words "No person engaged" there shall be inserted the words "by or on behalf of the Post Office".

6. Section 80 (provision of information to persons holding office under the Crown) shall apply in relation to postal services as if the words "provided by the Post Office" were omitted and as if for the words "laid on the Post Office for the like purposes and in the like manner" there were substituted the words "laid on an officer of the Isle of Man Post Office Authority by the Lieutenant Governor of the Isle of Man for the like purposes".

7. In Schedule 9 (general transitional provisions) in paragraph 3 sub-paragraphs (1)(c) and (2), and sub-paragraph (4) so far as it relates thereto, shall be omitted.

SCHEDULE 3

Article 7

AMENDMENTS TO THE POST OFFICE ACT 1953 IN ITS APPLICATION TO
THE ISLE OF MAN

1. Section 50 (indemnity on account of extending Post Office accommodation) shall extend to the Isle of Man only in relation to any telegraph office or the accommodation of the telegraphic services.

2. Subsection (2) of section 58 (opening or delaying of postal packets by officers of the Post Office) shall extend to the Isle of Man only for the purposes specified in paragraph 1 of Schedule 5 of the Post Office Act 1969.

3. Section 60 (prohibition of placing injurious substances in or against post office letter boxes or telephone kiosks) shall extend to the Isle of Man only in relation to any telephone kiosk or cabinet.

4. Section 61 (prohibition of affixing placards, notices, etc. on post office letter boxes, etc.) shall extend to the Isle of Man only in relation to any telegraph post or other property used by or on behalf of the Post Office for telecommunication services.

5. Section 64 (prohibition of false notice as to reception of letters etc.) shall extend to the Isle of Man only in relation to the words "public telephone call office" or to any words, letters or marks which signify or imply or may reasonably lead the public to believe that any place is a place where the public may make telephone calls.

6. Section 65 (obstruction and molestation of officers of the Post Office) shall extend to the Isle of Man only in relation to telecommunication services.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives the force of law to an agreement between the Minister of Posts and Telecommunications and the Government of the Isle of Man for the administration of postal services in the Isle of Man by or under the authority of the Government of the Isle of Man and consequentially repeals or adapts certain provisions of the Post Office Act 1969 and the Post Office Act 1953 in their application to the Isle of Man.

SI 1973/959
ISBN 0-11-030959-6



780110309590