



# Postal Services Act 2000

## 2000 CHAPTER 26

### PART VI

#### UNIVERSAL POSTAL SERVICE: SUPPLEMENTARY

##### *Articles in transit*

#### **96 Immunity from prosecution**

- (1) A universal service provider and a person who is engaged in the business of such a provider shall be entitled to the same immunity from prosecution for conduct in the provision of a universal postal service and falling within subsection (2) as the provider and that person would be entitled to if the provider were a government department.
- (2) The following conduct falls within this subsection—
  - (a) possession of anything contained in a postal packet which is in the course of transmission by post where possession of it is prohibited by virtue of any enactment, and
  - (b) failure to comply, in relation to anything contained in a postal packet which is in the course of transmission by post, with any condition or restriction imposed by virtue of any enactment in relation to its possession, conveyance or delivery.

#### **97 Harbour charges on mail-bags**

- (1) No charge imposed by a harbour authority in respect of goods brought into, taken out of, or carried through a relevant harbour shall apply to goods contained in mail-bags—
  - (a) carried by a universal service provider in connection with the provision of a universal postal service,
  - (b) consigned by such a provider in connection with the provision of such a service to another for carriage (whether to a foreign postal administration or not), or

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*Status: This is the original version (as it was originally enacted).*

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- (c) consigned by a foreign postal administration to such a provider in connection with the provision of such a service for carriage.
- (2) No charge imposed by a harbour authority in respect of goods brought into, taken out of, or carried through a relevant harbour shall apply to goods contained in mail-bags which—
- (a) are consigned by one foreign postal administration to another, and
  - (b) are mail-bags which, when in the United Kingdom, are in the charge of a universal service provider in connection with the provision of a universal postal service.
- (3) Charges which are exigible by a harbour authority at a relevant harbour in respect of mail-bags which are carried or consigned as mentioned in subsection (1) or (2) and their contents shall not be payable before the end of the period of eight weeks starting with the day on which the bags are brought within the limits of the harbour.
- (4) Subsection (3) applies despite anything in any statutory provision made with respect to the harbour authority concerned.
- (5) Such charges as are mentioned in subsection (3) may be recovered by means of proceedings instituted in that behalf in any court of competent jurisdiction; but not otherwise.
- (6) In this section and section 98—
- “harbour authority”—
    - (a) except in relation to Northern Ireland, has the same meaning as in the Harbours Act 1964,
    - (b) in relation to Northern Ireland, means any person in whom are vested, by any statutory provision, the powers or duties of improving, maintaining or managing a harbour,
  - “relevant harbour”, in relation to a harbour authority, means a harbour which, in the exercise and performance of statutory powers and duties, the harbour authority are engaged in improving, maintaining or managing, and
  - “statutory provision”—
    - (a) except in relation to Northern Ireland, has the meaning given by section 57(1) of the Harbours Act 1964 (and, as regards Scotland, includes an Act of the Scottish Parliament and an instrument made under such an Act),
    - (b) in relation to Northern Ireland, has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954.
- (7) The reference in the definition of “relevant harbour” in subsection (6) to a harbour which, in the exercise and performance of statutory powers and duties, a harbour authority are engaged in improving, maintaining or managing shall be construed—
- (a) except in relation to Northern Ireland, as if it were contained in the Harbours Act 1964, and
  - (b) in relation to Northern Ireland, as a reference to a harbour which is being improved, maintained or managed by a harbour authority—
    - (i) in the exercise of powers conferred by a statutory provision,
    - (ii) in the performance of duties imposed by a statutory provision, or
    - (iii) in the exercise and performance of powers conferred, and duties imposed, by a statutory provision.

**98 Mail-bags not to be subject to control by harbour authorities**

Nothing in a statutory provision (whenever made) with respect to a harbour authority shall extend to regulate or subject to control mail-bags—

- (a) carried by a universal service provider in connection with the provision of a universal postal service,
- (b) consigned by such a provider in the provision of such a service to another for carriage (whether to a foreign postal administration or not),
- (c) consigned by a foreign postal administration to such a provider in connection with the provision of such a service for carriage, or
- (d) consigned by one foreign postal administration to another and which, when in the United Kingdom, are in the charge of a universal service provider in connection with the provision of a universal postal service.