



Postal Services Act 2000

2000 CHAPTER 26

PART VI

UNIVERSAL POSTAL SERVICE: SUPPLEMENTARY

Schemes and limitation of liability

89 Schemes as to terms and conditions for provision of a universal postal service

- (1) A universal service provider may make a scheme under this section in relation to the services provided by him in connection with the provision of a universal postal service or any of those services.
- (2) A scheme under this section is a scheme for determining any or all of the following (so far as not otherwise agreed)—
 - (a) the charges which are to be imposed in respect of the services concerned,
 - (b) the other terms and conditions which are to be applicable to the services concerned, and
 - (c) procedures for dealing with the complaints of persons who use the services concerned.
- (3) A scheme under this section may, in particular—
 - (a) adopt such system for the determination of the charges and other terms and conditions as the universal service provider concerned considers appropriate (including determining them himself subject to any conditions and limitations provided for in the scheme),
 - (b) specify the manner in which, time and place at which and person by whom the charges are to be paid.
- (4) Subject to section 92(5) and (6), no provision may be made in any scheme under this section—
 - (a) for limiting the liability of the universal service provider concerned for loss or damage, or

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- (b) for amending the rules of law relating to evidence.
- (5) A scheme under this section shall come into force on such day as is specified in the scheme; but no day earlier than the day after that on which the scheme has been published in the London, Edinburgh and Belfast Gazettes shall be so specified.
- (6) A scheme under this section may—
 - (a) make different provision for different cases or classes of case determined by, or in accordance with, the provisions of the scheme,
 - (b) modify any previous scheme made under this section.
- (7) Any charge payable by virtue of this section may be recovered by the universal service provider concerned and in England and Wales and Northern Ireland may be so recovered as a civil debt due to him.
- (8) The production of a copy of any of the Gazettes mentioned in subsection (5) which purports to contain a scheme under this section shall be conclusive evidence in all legal proceedings of that scheme.

90 Exclusion of liability

- (1) No proceedings in tort shall lie or, in Scotland, be competent against a universal service provider in respect of loss or damage suffered by any person in connection with the provision of a universal postal service because of—
 - (a) anything done or omitted to be done in relation to any postal packet in the course of transmission by post, or
 - (b) any omission to carry out arrangements for the collection of anything to be conveyed by post.
- (2) No officer, servant, employee, agent or sub-contractor of a universal service provider shall be subject, except at the suit or instance of the provider, to any civil liability for—
 - (a) any loss or damage in the case of which liability of the provider is excluded by subsection (1), or
 - (b) any loss of, or damage to, an inland packet to which section 91 applies.
- (3) No person engaged in or about the conveyance of postal packets and no officer, servant, employee, agent or sub-contractor of any such person shall be subject, except at the suit or instance of the universal service provider concerned, to any civil liability for—
 - (a) any loss or damage in the case of which liability of the provider is excluded by subsection (1), or
 - (b) any loss of, or damage to, an inland packet to which section 91 applies.
- (4) In the application of subsection (1) to Scotland, the reference to proceedings in tort shall be construed in the same way as in section 43(b) of the Crown Proceedings Act 1947.
- (5) This section is subject to section 91.

91 Limited liability for registered inland packets

- (1) Proceedings shall lie or, in Scotland, be competent against a universal service provider under this section, but not otherwise, in respect of relevant loss of, or relevant damage

to, an inland packet in respect of which the universal service provider accepts liability under this section in pursuance of a scheme made under section 89.

- (2) The references in subsection (1) to relevant loss or damage are to loss or damage so far as it is due to any wrongful act of, or any neglect or default by, an officer, servant, employee, agent or sub-contractor of the universal service provider while performing or purporting to perform in that capacity his functions in relation to the receipt, conveyance, delivery or other dealing with the packet.
- (3) No proceedings shall lie or, in Scotland, be competent under this section in relation to a packet unless they are begun within the period of twelve months starting with the day on which the packet was posted.
- (4) A universal service provider shall not be liable under this section in respect of a packet of any description unless such conditions (if any) as are required by a scheme under section 89 to be complied with in relation to packets of that description at the time when they are posted have been complied with in the case of the packet.
- (5) For the purposes of this section and section 92 a scheme under section 89 may define a description of packet by reference to any circumstances whatever (including, in particular, the amount of any fee paid in respect of the packet in pursuance of the scheme).
- (6) In this section “inland packet” means any postal packet which is posted in the United Kingdom for delivery at a place in the United Kingdom to the person to whom it is addressed.

92 Section 91: supplementary

- (1) Subject to subsection (3), no relief or remedy shall be available under section 91 in relation to a packet except upon a claim by the sender or the addressee of the packet.
- (2) The sender or addressee concerned shall be entitled—
 - (a) to claim any relief or remedy available under this section whether or not he is the person who has suffered the loss or damage, and
 - (b) to give a good discharge in respect of all claims under this section in respect of the packet concerned.
- (3) Where the court is satisfied, on an application by a person who is not the sender or addressee of the packet, that the sender and the addressee are unable or unwilling to enforce their reliefs or remedies under this section, the court may, upon such terms as to security, caution, costs, expenses and otherwise as the court considers appropriate, allow that other person to bring proceedings under this section in the name of the sender or the addressee of the packet.
- (4) Where, by virtue of subsection (2) or (3), a person recovers any money or property which, apart from that subsection, would have been recoverable by another person, the money or property so recovered shall be held on trust for that other person.
- (5) The amount recoverable in any proceedings under section 91 in relation to a packet of any description shall not exceed—
 - (a) the market value of the packet at the time when the cause of action arises, or
 - (b) the maximum amount payable under a scheme made under section 89 for compensating the person aggrieved in respect of a packet of that description.

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- (6) For the purposes of subsection (5)(a) the market value of a packet shall not include the market value of—
- (a) any message or information which it bears, or
 - (b) any item which, in relation to packets of that description, is excluded from the operation of this section by a scheme under section 89.
- (7) For the purposes of any proceedings under section 91, it shall be presumed, unless the contrary is shown, that loss of, or damage to, the packet was due to such conduct as is mentioned in subsection (2) of that section.
- (8) In this section—
- “sender”, in relation to a packet, has such meaning as may be given to it by any provision of a scheme made under section 89 and relating to an inland packet to which section 91 applies,
- and any reference in this section to the sender or addressee of a packet includes a reference to his personal representatives.

93 Power to modify sections 89 to 92

- (1) The Secretary of State may by order modify sections 89 to 92.
- (2) Before making an order under subsection (1), the Secretary of State shall consult the Commission, the Council and such other persons as he considers appropriate.

Supplementary powers for universal postal service

94 Power to require carriage of mail-bags by ship or aircraft

- (1) A universal service provider may, for any purpose in connection with the provision of a universal postal service, require by notice the owner or operator of a relevant ship or aircraft to carry mail-bags in the ship or aircraft.
- (2) In subsection (1) “relevant ship or aircraft” means any ship or aircraft which carries on regular communications between two places in the United Kingdom, one of which is not readily accessible by road.
- (3) The remuneration for any services provided in pursuance of this section shall be determined—
 - (a) by agreement between the universal service provider and the owner or operator concerned, or
 - (b) in the absence of agreement, by the Transport Tribunal or, where both places between which the ship or aircraft carries on regular communications are in Northern Ireland, by the Department for Regional Development in Northern Ireland.

95 Power to acquire land etc

Schedule 5 (which provides for the compulsory acquisition of land by universal service providers) and Schedule 6 (which makes other provision in relation to land) shall have effect.

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
 - (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”—

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- (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.

Common carriers

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A universal service provider shall not be regarded as a common carrier so far as he is providing a universal postal service.

Certain exemptions from postage etc.

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- (1) Petitions and addresses forwarded to Her Majesty or, in Northern Ireland, to the Secretary of State, by post shall be exempt from postage chargeable by a universal service provider in connection with the provision of a universal postal service.
- (2) Petitions and addresses to Her Majesty which are sent by post to a member of either House of Parliament, a member of the Scottish Parliament, a member of the National Assembly for Wales or a member of the Northern Ireland Assembly shall be exempt from postage chargeable by a universal service provider in connection with the provision of a universal postal service if—
 - (a) the petitions or addresses do not exceed 1 kilogram in weight, and
 - (b) are sent without covers or in covers open at the sides.
- (3) Petitions which are addressed to either House of Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly and are sent by post to a member of either House of Parliament, a member of the Scottish Parliament or the Clerk of the Scottish Parliament, a member of the National Assembly for Wales or (as the case may be) a member of the Northern Ireland Assembly shall be exempt from postage chargeable by a universal service provider in connection with the provision of a universal postal service if—
 - (a) the petitions do not exceed 1 kilogram in weight, and
 - (b) are sent without covers or in covers open at the sides.
- (4) Subsection (5) applies where the postage chargeable by a universal service provider in connection with the provision of a universal postal service on a postal packet consisting of parliamentary proceedings has not been prepaid by the sender or has been insufficiently prepaid by him.
- (5) No sum exceeding the amount of the postage or (as the case may be) the deficiency may be recovered by the universal service provider (whether from the sender or the addressee).
- (6) In this section “parliamentary proceedings” means proceedings of either House of Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.