



# Postal Services Act 2000

## 2000 CHAPTER 26

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplementary powers of the Secretary of State*

#### **101 Directions in interests of national security etc.**

- (1) The Secretary of State may give such directions as he considers appropriate to the Commission in relation to the exercise of its functions if he considers it necessary or expedient to do so—
  - (a) in the interests of national security or in the interests of encouraging or maintaining the United Kingdom's relations with another country or territory,
  - (b) in order—
    - (i) to discharge, or facilitate the discharge of, an international obligation,
    - (ii) to attain, or facilitate the attainment of, any other object which the Secretary of State considers it necessary or expedient to attain in view of Her Majesty's Government in the United Kingdom being a member of an international organisation or a party to an international agreement, or
    - (iii) to enable Her Majesty's Government in the United Kingdom to become a member of such an organisation or a party to such an agreement.
- (2) Directions under subsection (1) may, in particular, require the Commission—
  - (a) to do or not to do a particular thing, or
  - (b) to secure that a particular thing is done or not done.
- (3) The Secretary of State may, if he considers it necessary or expedient to do so for any of the purposes mentioned in subsection (1)(a) or (b), give such directions as he considers appropriate to licence holders under Part II, or to any particular licence holder under

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that Part, in connection with anything authorised or required by the licence or licences concerned.

- (4) Directions under subsection (3) may, in particular, require a licence holder—
  - (a) to do or not to do a particular thing, or
  - (b) to secure that a particular thing is done or not done.
- (5) Before giving a direction under subsection (1), the Secretary of State shall consult the Commission.
- (6) Before giving a direction under subsection (3) to a particular licence holder (as opposed to licence holders generally or any description of licence holders), the Secretary of State shall consult the licence holder concerned.
- (7) The Secretary of State—
  - (a) shall send to the Commission a copy of any direction given under subsection (3), and
  - (b) shall lay before each House of Parliament a copy of any direction given under this section.
- (8) Subsection (7)(b) does not apply if the Secretary of State considers that the disclosure of the direction would be against the interests of national security or the interests of the United Kingdom's relations with another country or territory or against the commercial interests of any person who has not consented to the disclosure.
- (9) A person shall not disclose, and is not required by any enactment or otherwise to disclose, a direction given or other thing done or omitted to be done by virtue of this section if the Secretary of State notifies him that he considers that—
  - (a) disclosure would be against the interests of national security or the interests of the United Kingdom's relations with another country or territory, or
  - (b) disclosure would be against the commercial interests of any person (other than the person notified) who has not consented to the disclosure.
- (10) A person commits an offence if—
  - (a) without reasonable excuse he contravenes a direction under this section, or
  - (b) he makes a disclosure in contravention of subsection (9).
- (11) A person who commits an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

## **102 Power to ensure compliance with the Postal Services Directive.**

- (1) This section applies if the Secretary of State—
  - (a) considers—
    - (i) that a Community obligation under the Postal Services Directive is not being complied with, or
    - (ii) that it is likely that any such obligation will not be complied with, and
  - (b) has been unable to obtain any undertakings from any person or persons which are sufficient to satisfy him that the situation will be remedied.

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- (2) The Secretary of State may by order make such provision as he considers appropriate to ensure that the obligation is or will be complied with.
- (3) An order under this section may, in particular—
  - (a) confer functions on the Commission or the Council or modify their functions,
  - (b) require any postal operator or any postal operators of a particular description to provide such postal services as are specified in or determined by or under the order,
  - (c) specify terms and conditions on which such services are to be provided or provide for such terms and conditions to be determined by or under the order,
  - (d) provide for the payment of sums out of money provided by Parliament for any purpose of the order,
  - (e) provide for the enforcement of any provision of the order (including the creation of criminal offences punishable with a fine but not imprisonment).
- (4) Before making an order under this section, the Secretary of State shall consult any postal operator on whom a requirement is to be imposed by virtue of the order.
- (5) In deciding whether to make an order under this section the Secretary of State shall, in particular, have regard to the likely impact of the order on any business of a postal operator on whom a requirement is to be imposed by virtue of the order.

### **103 Subsidy for public post offices.**

- (1) The Secretary of State may by order make a scheme for the making of payments for the purpose of—
  - (a) assisting in the provision of public post offices or public post offices of a particular description, or
  - (b) assisting in the provision of services to be provided from public post offices or public post offices of a particular description.
- (2) A scheme under this section which provides for the making of payments for a purpose falling within subsection (1)(b) shall ensure that no such payments may be made unless the person deciding whether to make the payments considers that the provision of the services concerned from public post offices or public post offices of a particular description would assist in the provision of public post offices or (as the case may be) public post offices of that description.
- (3) Payments under a scheme under this section shall be made by the Secretary of State or by another person out of money provided by the Secretary of State.
- (4) A scheme under this section shall specify—
  - (a) the descriptions of payments which may be made under the scheme,
  - (b) the descriptions of persons to whom such payments may be made,
  - (c) the person by whom such payments may be made,
  - (d) criteria to which that person is to have regard in deciding whether to make such payments, and
  - (e) the amounts of such payments or the basis on which such amounts are to be calculated.
- (5) A scheme under this section may, in particular, provide for—

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- (a) payments under the scheme to be made subject to conditions specified in or determined under the scheme (including conditions as to repayment),
  - (b) the delegation of functions exercisable by virtue of the scheme (including the delegation of any discretion conferred by virtue of the scheme),
  - (c) the modification of the functions of a body established by an enactment, or the functions of the holder of an office created by an enactment, for the purpose of enabling the person concerned to exercise any functions conferred on that person by virtue of the scheme,
  - (d) the payment by the Secretary of State of fees to any person in respect of functions exercised by that person by virtue of the scheme.
- (6) The power to make a scheme under this section shall not be exercised without the consent of the Treasury.

*Inviolability of mails etc.*

**104 Inviolability of mails.**

- (1) Subsection (2) applies to—
- (a) a postal packet,
  - (b) anything contained in a postal packet, and
  - (c) a mail-bag containing a postal packet,
- which is not the property of the Crown but which is in the course of transmission by post.
- (2) Anything to which this subsection applies shall have the same immunity from—
- (a) examination, or seizure or detention, under a relevant power conferred by virtue of this Act or any other enactment,
  - (b) seizure under distress or in execution,
  - (c) in Scotland, any diligence, and
  - (d) retention by virtue of a lien,
- as it would have if it were the property of the Crown.
- (3) In subsection (2) “relevant power” means any power other than—
- (a) a power conferred by section 47 so far as it is exercised for any purpose connected with the investigation of an offence under section 6 or any proceedings for such an offence,
  - (b) a power conferred under section 49,
  - (c) a power conferred by an enactment relating to customs or excise in its application, by virtue of section 105 or any regulations made under that section, to goods contained in postal packets, or
  - (d) a power conferred by section 106 or 107.
- (4) The Secretary of State may by order modify subsection (3).

**Modifications etc. (not altering text)**

C1 S. 104(1)-(3) applied (22.3.2001) by [S.I. 2001/1148](#), [art. 28](#) (with [art. 34](#))

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#### Commencement Information

**II** S. 104 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

### 105 Application of customs and excise enactments to certain postal packets.

- (1) Subject as follows, the enactments for the time being in force in relation to customs or excise shall apply in relation to goods contained in postal packets to which this section applies which are brought into or sent out of the United Kingdom by post from or to any place outside the United Kingdom as they apply in relation to goods otherwise imported, exported or removed into or out of the United Kingdom from or to any such place.
- (2) The Treasury, on the recommendation of the Commissioners of Customs and Excise and the Secretary of State, may make regulations for—
  - (a) specifying the postal packets to which this section applies,
  - (b) making modifications or exceptions in the application of the enactments mentioned in subsection (1) to such packets,
  - (c) enabling persons engaged in the business of a postal operator to perform for the purposes of those enactments and otherwise all or any of the duties of the importer, exporter or person removing the goods,
  - (d) carrying into effect any arrangement with the government or postal administration of any country or territory outside the United Kingdom with respect to foreign postal packets,
  - (e) securing the observance of the enactments mentioned in subsection (1),
  - (f) without prejudice to any liability of any person under those enactments, punishing any contravention of the regulations.
- (3) Duties (whether of customs or excise) charged on imported goods or other charges payable in respect of postal packets to which this section applies (whether payable to a postal operator or to a foreign administration) may be recovered by the postal operator concerned and in England and Wales and Northern Ireland may be so recovered as a civil debt due to him.
- (4) In any proceedings for the recovery of any charges payable as mentioned in subsection (3), a certificate of the postal operator concerned of the amount of the charges shall be evidence (and, in Scotland, sufficient evidence) of that fact.
- (5) In this section “foreign postal packet” means any postal packet either posted in the United Kingdom and sent to a place outside the United Kingdom, or posted in a place outside the United Kingdom and sent to a place within the United Kingdom, or in transit through the United Kingdom to a place outside the United Kingdom.

#### Commencement Information

**II** [S. 105](#) wholly in force at 26.3.2001; [s. 105](#) not in force at Royal Assent see [s. 130](#); [s. 105\(2\)](#) in force at 26.2.2001 by [S.I. 2001/534](#), [art. 2](#), [Sch.](#); [s. 105\(1\)\(3\)-\(5\)](#) in force at 26.3.2001 by [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

### 106 Power to detain postal packets containing contraband.

- (1) A postal operator may—

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- (a) detain any postal packet if he suspects that it may contain relevant goods,
  - (b) forward any packet so detained to the Commissioners of Customs and Excise.
- (2) In this section “relevant goods” means—
- (a) any goods chargeable with any duty charged on imported goods (whether a customs or an excise duty) which has not been paid or secured, or
  - (b) any goods in the course of importation, exportation or removal into or out of the United Kingdom contrary to any prohibition or restriction for the time being in force by virtue of any enactment.
- (3) Subsection (1) is without prejudice to section 105.
- (4) The Commissioners may open and examine any postal packet forwarded to them under this section—
- (a) in the presence of the person to whom the packet is addressed, or
  - (b) where the address on the packet is outside the United Kingdom or where subsection (5) applies, in the absence of that person.
- (5) This subsection applies where—
- (a) the Commissioners have—
    - (i) left at the address on the packet notice requiring the attendance of the person concerned, or
    - (ii) forwarded such notice by post to that address, and
  - (b) the addressee fails to attend.
- (6) If the Commissioners find any relevant goods on opening and examining a postal packet under this section, they may detain the packet and its contents for the purpose of taking proceedings in relation to them.
- (7) If the Commissioners do not find any relevant goods on opening and examining a postal packet under this section, they shall—
- (a) deliver the packet to the addressee upon his paying any postage and other sums chargeable on it, or
  - (b) if he is absent, forward the packet to him by post.

**Commencement Information**

**I3** S. 106 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

**107 Conditions of transit of postal packets.**

- (1) If a postal operator knows or reasonably suspects that a postal packet is being sent by post in contravention of section 85, he may—
- (a) refuse the transmission of the packet,
  - (b) detain the packet and open it,
  - (c) subject to any requirements as to additional postage or charges, return the packet to its sender or forward it to its destination,
  - (d) destroy or otherwise dispose of the packet.

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- (2) Subsection (1) is without prejudice to any other powers which the postal operator may have in relation to the packet (whether under the terms and conditions applicable to its transmission by post or otherwise).
- (3) The detention or disposal by a postal operator of any postal packet on the grounds of a contravention of section 85 or of any terms and conditions applicable to its transmission by post shall not exempt the sender from any proceedings which might have been taken if the packet had been delivered in due course of post.

**Modifications etc. (not altering text)**

**C2** S. 107(1) applied (22.3.2001) by S.I. 2001/1148, art. 29 (with s. 34)

**Commencement Information**

**I4** S. 107 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/1148, art. 2, Sch. (subject to arts. 3-42)

*Evidential provisions*

**108 Evidence of amount of postage etc.**

- (1) The mark of—
  - (a) a universal service provider in connection with the provision of a universal postal service, or
  - (b) a foreign postal administration,of any sum on any postal packet as due in respect of that packet shall, unless the contrary is shown, be sufficient proof in any legal proceedings of the liability of the packet to the sum so marked.
- (2) Subsections (3) to (5) apply in relation to any legal proceedings for the recovery of postage or other sums due in respect of postal packets.
- (3) In any such proceedings, the production of the packet concerned with a stamp or other endorsement on it of a universal service provider (and made in connection with the provision of a universal postal service) or of a foreign postal administration indicating that the packet—
  - (a) has been refused or rejected,
  - (b) is unclaimed, or
  - (c) cannot for any other reason be delivered,shall, unless the contrary is shown, be sufficient proof of the fact indicated.
- (4) In any such proceedings, a certificate of a universal service provider that any mark, stamp or endorsement is such a mark, stamp or endorsement as is mentioned in subsection (1) or (3) shall, unless the contrary is shown, be sufficient proof of that fact.
- (5) In any such proceedings, the person from whom the packet concerned purports to have come shall, unless the contrary is shown, be taken to be the sender of the packet.

**Modifications etc. (not altering text)**

**C3** S. 108 applied (22.3.2001) by S.I. 2001/1148, art. 30 (with art. 34)

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**Commencement Information**

**I5** S. 108 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/1148, art. 2, Sch. (subject to arts. 3-42)

**109 Evidence of thing being a postal packet.**

- (1) On the prosecution of an offence under this Act (whether summarily or on indictment), evidence that any article is in the course of transmission by post, or has been accepted by a postal operator for transmission by post, shall be sufficient evidence that the article is a postal packet.
- (2) In any proceedings in England and Wales for an offence under section 83 or 84 of this Act, section 27(4) of the <sup>M1</sup>Theft Act 1968 shall apply as it applies to proceedings for the theft of anything in the course of transmission by post.
- (3) In any proceedings in Northern Ireland for an offence under section 83 or 84 of this Act, section 26(5) of the <sup>M2</sup>Theft Act (Northern Ireland) 1969 shall apply as it applies to proceedings for the theft of anything in the course of transmission by post.

**Modifications etc. (not altering text)**

**C4** S. 109 applied (7.3.2001) by S.I. 2001/878, art. 16 (with art. 17)

**Commencement Information**

**I6** S. 109 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/878, art. 2, Sch. (subject to arts. 3-17)

**Marginal Citations**

**M1** 1968 c. 60.

**M2** 1969 c. 16 (N.I.).

**110 Certificates in relation to universal postal service letter boxes.**

A certificate given by or on behalf of a universal service provider to the effect that any box or receptacle is or was provided by the provider concerned for the purpose of receiving postal packets, or any class of postal packets, for onwards transmission in connection with the provision of a universal postal service, shall, unless the contrary is shown, be sufficient proof in any legal proceedings of the facts stated.

**Commencement Information**

**I7** S. 110 wholly in force at 26.3.2001, see s. 130 and S.I. 2001/1148, art. 2, Sch. (subject to arts. 3-42)

*Postal and money orders*

**111 Exclusion of liability in relation to postal and money orders.**

- (1) No proceedings shall lie or, in Scotland, be competent against the Post Office company for any loss or damage as a result of—
  - (a) a reasonable refusal by the Post Office company to pay a postal or money order which has been issued by it or a foreign postal administration, or



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- (b) a reasonable delay by the Post Office company in paying any such order.
- (2) Where a postal or money order issued by the Post Office company is presented for payment in the United Kingdom by a banker to whom it has been delivered for collection, payment of the order to the banker discharges it.
- (3) Where a relevant uncrossed order issued by the Post Office company is presented for payment in the United Kingdom otherwise than by a banker to whom it has been delivered for collection, payment of the order to the person by whom it is presented discharges it.
- (4) A postal or money order issued by the Post Office company is discharged by the payment of the order outside the United Kingdom in accordance with arrangements made by the Post Office company in that regard.
- (5) Where a postal or money order issued by a foreign postal administration is paid by the Post Office company to a banker to whom it has been delivered for collection on behalf of a person other than the true owner of the order, the Post Office company shall not be liable to the true owner of the order by reason of having paid it to the banker.
- (6) Where a relevant uncrossed order issued by a foreign postal administration is presented to the Post Office company for payment otherwise than by a banker to whom it has been delivered for collection or the true owner of the order, payment of the order by the Post Office company to the person presenting it shall not make the Post Office company liable to the true owner of the order.
- (7) Any person acting as a banker in the United Kingdom who, in collecting in that capacity for any principal, has received payment from the Post Office company in respect of any postal order, or any document purporting to be a postal order, shall not incur liability to anyone except the principal by reason of having received the payment or having held or presented the order or document for payment.
- (8) Subsection (7) does not relieve any principal for whom any such order or document has been so held or presented of any liability in respect of his possession of the order or document or of the proceeds of the order or document.
- (9) In this section “relevant uncrossed order” means—
- (a) an uncrossed postal or money order which—
    - (i) is expressed to be payable to a person specified or described in the order, and
    - (ii) is signed by or on behalf of that person or purports to be so signed, or
  - (b) an uncrossed postal order which is not expressed to be payable to a person specified or described in the order.
- (10) In this section and section 113 “banker” includes a body which carries on the business of banking.

**Modifications etc. (not altering text)**

**C5** S. 111(1)-(4) modified (22.3.2001) by [S.I. 2001/1148](#), [art. 31](#) (with [art. 34](#))

**Commencement Information**

**I8** S. 111 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148](#), [art. 2](#), [Sch.](#) (subject to [arts. 3-42](#))

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## **112 Schemes in relation to postal and money orders.**

- (1) The Post Office company shall not issue postal or money orders otherwise than in accordance with a scheme under this section.
- (2) The Post Office company may make a scheme under this section in relation to—
  - (a) the issue by it of postal or money orders,
  - (b) other services provided by it in connection with postal or money orders (whether orders issued by it or otherwise).
- (3) 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.
- (4) 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 Post Office company considers appropriate (including determining them itself subject to any conditions and limitations provided for in the scheme),
  - (b) provide for the non-payment by the Post Office company after the end of a specified period, except on satisfaction of specified conditions, of a postal or money order issued by that company or a foreign postal administration,
  - (c) specify the manner in which, time and place at which and person by whom the charges are to be paid.
- (5) No provision may be made in any scheme under this section—
  - (a) for limiting the liability of the Post Office company for loss or damage, or
  - (b) for amending the rules of law relating to evidence.
- (6) 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.
- (7) 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.
- (8) Any charge payable by virtue of this section may be recovered by the Post Office company and in England and Wales and Northern Ireland may be so recovered as a civil debt due to it.
- (9) The production of a copy of any of the Gazettes mentioned in subsection (6) which purports to contain a scheme under this section shall be conclusive evidence in all legal proceedings of that scheme.
- (10) The Secretary of State may by order modify this section.

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#### Commencement Information

- I9** S. 112 wholly in force; s. 112 not in force at Royal Assent see s. 130; s. 112(2)-(7)(9)(10) in force at 26.2.2001 by [S.I. 2001/534, art. 2, Sch.](#); s. 112(1),(8) in force at 26.3.2001 by [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

### 113 Recoupment of losses on wrongly paid money orders.

- (1) Subsection (2) applies where—
- (a) a money order issued by the Post Office company or a foreign postal administration has been delivered for collection to a banker, and
  - (b) the Post Office company has paid the order to the banker when it should not have done so.
- (2) The sum paid may be deducted from sums subsequently falling to be paid by the Post Office company to the banker by way of payment of money orders so issued which have been delivered to the banker for collection.

#### Modifications etc. (not altering text)

- C6** S. 113(1)(a) modified (22.3.2001) by [S.I. 2001/1148, art. 31](#) (with [art. 34](#))

#### Commencement Information

- I10** S. 113 wholly in force at 26.3.2001, see s. 130 and [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

### 114 Special arrangements with other countries or territories.

- (1) References in sections 111 (other than subsection (4)), 112 and 113 to money orders issued by the Post Office company shall be construed as including references to special money orders issued by that company.
- (2) For the purposes of subsection (1) special money orders are orders for the payment of money in the United Kingdom which are issued by the Post Office company in pursuance of an arrangement made with a government or postal administration of any other country or territory for the transmission, by means of orders for the payment of money, of sums of money through post offices under the charge of the Post Office company and the postal administration of the other country or territory.
- (3) The reference in section 112(2)(b) to money orders shall be construed as including a reference to orders for the payment of money issued in pursuance of an arrangement of the kind mentioned in subsection (2) above by the postal administration of the other country or territory.

#### Commencement Information

- I11** S. 114 wholly in force; s. 114 not in force at Royal Assent see s. 130; s. 114(1)(2) in force for specified purposes at 26.2.2001 by [S.I. 2001/534, art. 2, Sch.](#); s. 114 in force in so far as not already in force at 26.3.2001 by [S.I. 2001/1148, art. 2, Sch.](#) (subject to [arts. 3-42](#))

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*Other*

**115 Extension of existing powers relating to the Post Office.**

- (1) In section 7(2) of the <sup>M3</sup>Post Office Act 1969 (powers of the Post Office) after paragraph (r) there shall be inserted—
- “(s) to enter into any form of financial transaction which it considers to be expedient and which does not fall within any of the preceding paragraphs;”.
- (2) After section 37(1) of that Act (loans by the Secretary of State to the Post Office) there shall be inserted—
- “(1A) The Secretary of State may, with the approval of the Treasury, make loans to any subsidiary of the Post Office.”
- (3) After section 37(2) of that Act there shall be inserted—
- “(2A) The power of the Secretary of State to make loans under this section includes power to make loans in currencies other than sterling.”
- (4) After section 37(3) of that Act (power to issue sums out of the National Loans Fund) there shall be inserted—
- “(3A) Such sums may be issued in sterling or, where the loan is to be in a currency other than sterling, in that currency or in sterling.”
- (5) In section 73 of the <sup>M4</sup>British Telecommunications Act 1981 (borrowing powers of the Post Office etc), in subsection (1)(a) and (2)(a), after “sterling” there shall, in each case, be inserted “ or a currency other than sterling ”.
- (6) In section 74(2) of that Act (limit of indebtedness of the Post Office and its subsidiaries)—
- (a) after sub-paragraph (i) there shall be inserted—
- “(ia) money borrowed by any other subsidiary of the Post Office under section 37(1A) of the 1969 Act;”,
- (b) for “£1,200 million” there shall be substituted “ £5,000 million ”, and
- (c) the words “, not exceeding £1,700 million,” shall be repealed.
- (7) After section 74(4) of that Act there shall be inserted—
- “(4A) For the purposes of this section equivalents in sterling shall be calculated as the Secretary of State considers appropriate.”

**Marginal Citations**

**M3** 1969 c. 48.

**M4** 1981 c. 38.

**116 The Postcode Address File.**

- (1) The owner for the time being of the Postcode Address File shall—
- (a) maintain the File, and

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- (b) make the File available to any person who wishes to use it on such terms as are reasonable.
- (2) Compliance with subsection (1) shall be enforceable by civil proceedings brought by the Commission for an injunction or for interdict or for any other appropriate relief or remedy.
- (3) In this section—
  - “the Postcode Address File” means—
    - (a) the collection of relevant information which, immediately before the coming into force of this section, was owned by the Post Office, or
    - (b) that collection as it is from time to time revised, and
  - “relevant information” means postcodes in the United Kingdom which may be used to facilitate the identification of delivery points for the purpose of providing postal services.
- (4) The terms which may be imposed under subsection (1)(b) include terms as to the payment of such fee (if any) as the owner considers appropriate.

#### **117 Records of the former Postmaster General’s department.**

- (1) The Secretary of State may by order vest in the Post Office company such records of the department of the Postmaster General as—
  - (a) belong to Her Majesty in right of Her Majesty’s Government in the United Kingdom, and
  - (b) are specified in or described by the order.
- (2) The Secretary of State may give such directions to the Post Office company as he considers appropriate for ensuring that any records so transferred to the Post Office company are available to the Crown for inspection and copying.

#### **118 Supplementary provisions relating to the Council.**

- (1) On such day as the Secretary of State may by order appoint (“the relevant day”), all the property, rights and liabilities to which the Post Office Users’ National Council was entitled or subject immediately before that day shall become by virtue of this section property, rights and liabilities of the Council.
- (2) An order made under subsection (1) may be varied or revoked by a subsequent order at any time before any property, rights or liabilities of the Post Office Users’ National Council vest in the Council by virtue of this section.
- (3) Paragraphs 1 and 7 of Schedule 3 apply for the purposes of this section as they apply for the purposes of section 62 with such modifications as are necessary (including the substitution for references to the Post Office and the Post Office company of references to the Post Office Users’ National Council and the Council respectively).
- (4) Where a person employed in the civil service of the state and seconded to the Post Office Users’ National Council or a Country Council immediately before the relevant day becomes an employee of the Council on that day, his period of employment in the civil service of the state (including any part of that period spent otherwise than on secondment) counts as a period of employment with the Council for the purposes of the <sup>M5</sup>Employment Rights Act 1996 (and the change of employer does not affect the continuity of the period of employment for those purposes).

*Status: Point in time view as at 29/12/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, Part VII. (See end of Document for details)*

- (5) Where a person who—
- (a) is employed in the civil service of the state and is seconded to the Council, and
  - (b) immediately before his secondment to the Council was seconded to the Post Office Users' National Council or a Country Council,
- becomes an employee of the Council, his period of employment in the civil service of the state (including any part of that period spent otherwise than on secondment) counts as a period of employment with the Council for the purposes of the <sup>M6</sup>Employment Rights Act 1996 (and the change of employer does not affect the continuity of the period of employment for those purposes).
- (6) In this section “Country Council” means the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales or the Post Office Users' Council for Northern Ireland.

#### Marginal Citations

**M5** 1996 c. 18.

**M6** 1996 c.18.

### 119 General restrictions on disclosure of information.

Schedule 7 (which makes provision about disclosure of information) shall have effect.

#### Commencement Information

**I12** S. 119 wholly in force; s. 119 not in force at Royal Assent see s. 130; s. 119 in force for specified purposes at 6.11.2000, for further specified purposes at 1.1.2001 and in force insofar as not already in force at 26.3.2001 by [S.I. 2000/2957](#), art. 2(1)-(3), [Schs. 1, 2, 3](#) (with transitional provisions in [arts. 3-8](#))

#### 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

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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,
  - (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>M7</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>M8</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**

**M7** 1978 c. 30.

**M8** 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.

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*Changes to legislation: There are currently no known outstanding effects  
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- (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.
- (3) The power of the Secretary of State under section 9, 10, 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 8, 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 10, 38(8), 58(7), 59(2), 70, 74, 102, 104(4) and 128 and paragraph 1(5) of Schedule 3 (including that paragraph as applied by section 118(3)), paragraph 4 of Schedule 7 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>M9</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 8, 9, 30(2), 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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*Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, Part VII. (See end of Document for details)*

#### **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)

#### **Marginal Citations**

- M9** [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.

### **124 General financial provision.**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenditure incurred by the Commission in consequence of this Act,
  - (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).

### **125 Interpretation.**

- (1) In this Act, unless the context otherwise requires—
  - “body” includes an unincorporated association,
  - “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,
  - “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>M10</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,

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

“hovercraft” has the same meaning as in the <sup>M11</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>M12</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,

“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,

“postal operator” means a person who provides the service of conveying postal packets from one place to another by post or any of the incidental services of receiving, collecting, sorting and delivering such packets,

“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,

“the Postal Services Directive” means the Directive of the European Parliament and the Council of the European Union of 15th December 1997 (No.97/67/EC) on common rules for the development of the internal market of Community postal services and the implementation of quality of service, [<sup>F1</sup>as amended by the Directive of the European Parliament and the Council of the European Union of 10th June 2002 (No.2002/39/EC) with regard to the further opening to competition of Community postal services]

“public holiday” means Christmas Day, Good Friday or a day which is a bank holiday under the <sup>M13</sup>Banking and Financial Dealings Act 1971 in any part of the United Kingdom,

“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,

“sender”, in relation to any letter or other communication, means the person whose communication it is,

“ship” includes any boat, vessel or hovercraft,

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- “subordinate legislation” has the same meaning as in the <sup>M14</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>M15</sup>Northern Ireland Act 1998),
- “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>F2</sup>an electronic communications network], or
  - (b) by other means but while in electronic form.
- (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 section 736 of the <sup>M16</sup>Companies Act 1985 or Article 4 of the <sup>M17</sup>Companies (Northern Ireland) Order 1986.

#### Textual Amendments

- F1** Words in s. 125 added (1.1.2003) by [S.I. 2002/3050, reg. 7](#)
- F2** 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](#))

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### Marginal Citations

- M10** 1998 c. 47.  
**M11** 1968 c. 59.  
**M12** 1998 c. 47.  
**M13** 1971 c. 80.  
**M14** 1978 c. 30.  
**M15** 1998 c. 47.  
**M16** 1985 c. 6.  
**M17** S.I. 1986/1032 (N.I. 6).

## 126 Index of defined expressions.

In this Act, the expressions listed in the left-hand column have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right-hand column.

<i>Expression</i>	<i>Provision of this Act</i>
Body	Section 125(1)
The Commission	Section 1(1)
Condition of a licence	Section 13(5)
Contravention	Section 125(1)
Correspondent	Section 125(1)
Course of transmission by post	Section 125(3)
The Council	Section 2(1)
Delivery to addressee	Section 125(3)
Delivery (in certain other circumstances)	Section 125(3)
Employee	Section 125(1)
Enactment	Section 125(1)
Final order	Section 22(5)
Financial year	Section 125(1)
Foreign postal administration	Section 125(1)
Hovercraft	Section 125(1)
Letter	Section 125(1) and (2)
Mail-bag	Section 125(1)
Modify	Section 125(1)
Northern Ireland junior Minister	Section 125(1)
Northern Ireland Minister	Section 125(1)
Notice	Section 125(1)
Post office	Section 125(1)
Post office letter box	Section 125(1)

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Postal operator	Section 125(1)
Postal packet	Section 125(1)
Postal services	Section 125(1)
The Postal Services Directive	Section 125(1)
Provision of a universal postal service	Section 4(1), (2) and (6)
Provisional order	Section 23(8)
Public holiday	Section 125(1)
Public post office	Section 42(3)
Regional committee	Section 54(5)
Registered post service	Section 125(1)
Sender	Section 125(1)
Ship	Section 125(1)
Subordinate legislation	Section 125(1)
Subsidiary	Section 125(4)
Universal postal service letter box	Section 86(4)
Universal postal service post office	Section 86(4)
Universal service provider	Section 4(3) and (4)
Users	Section 125(1)
Vehicle	Section 125(1)
Wholly owned subsidiary	Section 125(4)
Working day	Section 125(1)

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## **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.

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*Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, Part VII. (See end of Document for details)*

### Commencement Information

- I13** 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](#))

### 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 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.

### 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](#))

*Final*

### 130 Commencement.

- (1) Parts I to VI, sections 101 to 114, sections 116 to 119 (including Schedule 7) and section 127(4) and (6) (including Schedules 8 and 9) shall come into force on such day

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as the Secretary of State may by order appoint; and different days may be appointed for different purposes or different areas.

- (2) Section 115 shall come into force at the end of the period of two months beginning with the day on which this Act is passed.

#### **Subordinate Legislation Made**

- P3** S. 130(1) power partly exercised: different dates appointed for specified provisions by [S.I. 2000/2957](#), art. 2(1)-(3), Schs. 1, 2, 3 (as amended by [S.I. 2001/1148](#) art. 43(1))
- S. 130(1) power partly exercised: 26.2.2001 appointed for specified provisions by [S.I. 2001/534](#), art. 2, Sch.
- S. 130(1) power partly 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. 130(1) 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)

#### **131 Short title and extent.**

- (1) This Act may be cited as the Postal Services Act 2000.
- (2) Any modification by this Act of an enactment has the same extent as the enactment modified.
- (3) Subject to that, this Act extends to Northern Ireland.
- (4) Sections 127(1) to (3) and 129 and this section, together with sections 122 and 125 so far as they relate to those provisions, extend to the Isle of Man and the Channel Islands (in addition to any provisions of this Act which so extend by virtue of subsection (2) above).

**Status:**

Point in time view as at 29/12/2003.

**Changes to legislation:**

There are currently no known outstanding effects for the Postal Services Act 2000, Part VII.