



# Post Office Act 1953 (repealed)

## 1953 CHAPTER 36 1 and 2 Eliz 2

### *Conveyance of mail bags by railway undertakers*

#### **Textual Amendments applied to the whole legislation**

- F1** Act repealed (1.1.2001 for ss. 29, 44, 45, and 26.3.2001 otherwise) by [2000 c. 26, ss. 127\(6\), 130\(1\), Sch. 9](#) Note; [S.I. 2000/2957, art. 2\(2\), Sch. 2](#) Table; [S.I. 2001/878, art. 2, Sch.](#) Table (subject to transitional and saving provisions in arts. 3-17); [S.I. 2001/1148, art. 2\(2\), Sch.](#) Table (subject to arts. 3-42)

### **33 Power to require provision of regular mail trains.**

- (1) The [<sup>F1</sup>Post Office] may by notice in writing require any railway undertakers, as from the day specified in the notice (being not less than twenty-eight days from the service thereof), to convey either by ordinary trains or, if necessary, by special trains, at such times as the [<sup>F1</sup>Post Office] may direct, all mail bags tendered to the undertakers, together with any [<sup>F2</sup>persons engaged in the business of the Post Office] accompanying those mail bags.
- (2) Any railway undertakers on whom any such notice is served shall, as from the day specified therein, provide at their own cost such vehicles attached to ordinary trains, or, as the case may be, such special trains, as may be sufficient for the conveyance of mail bags to the satisfaction of the [<sup>F1</sup>Post Office] (in this Act referred to as “regular mail trains”) and shall in all respects comply with the notice, and shall receive, take up, deliver and leave any such mail bags and [<sup>F2</sup>persons engaged in the business of the Post Office] as aforesaid at such places on the railway, on such days, at such times in the day, and subject to all such reasonable requirements and restrictions as to speed of travelling, places, times and duration of stoppages, and times of arrival, as the [<sup>F1</sup>Post Office] may from time to time direct.
- (3) The rate of speed of any regular mail train shall not be altered unless six months’ notice of the intended alteration has been given to the [<sup>F1</sup>Post Office].
- (4) Notwithstanding anything in the two last foregoing subsections, a regular mail train shall not be required to travel at any time on any part of a railway at a speed in excess

*Status: Point in time view as at 01/02/1991.**Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1953 (repealed), Cross Heading: Conveyance of mail bags by railway undertakers. (See end of Document for details)*

of the maximum speed for the time being prescribed by the railway undertakers for the safe running of trains on that part of the railway.

#### Textual Amendments

- F1** Words substituted by virtue of [Post Office Act 1969 \(c. 48\), s. 20\(2\)\(a\)](#)  
**F2** Words substituted by virtue of [Post Office Act 1969 \(c. 48\), Sch. 4 para. 2\(1\)](#)

### 34 Additional provisions as to regular mail train services.

- (1) [<sup>F3</sup>Post Office] may, if [<sup>F3</sup>it] thinks fit, in relation to any regular mail train—
  - (a) require that the whole of the inside of any vehicle used for the conveyance of mail bags shall be exclusively appropriated for that purpose;
  - (b) where the train is a special train, require by notice in writing that the whole of the train shall be appropriated to the service of the [<sup>F4</sup>Post Office] to the exclusion of all other traffic except such as he may sanction.
- (2) The [<sup>F3</sup>Post Office] may require any railway undertakers to provide and equip separate vehicles fitted up as the [<sup>F3</sup>Post Office] may direct for the purpose of sorting postal packets therein (in this Act referred to as “sorting carriages”), and the railway undertakers shall attach sorting carriages to such regular mail trains as the [<sup>F3</sup>Post Office] may direct.
- (3) ..... <sup>F5</sup>
- (4) The royal arms shall be painted on the outside of every sorting carriage instead of any other marking prescribed by law in respect of railway vehicles; but the want of the royal arms on any vehicle belonging to or used by the [<sup>F4</sup>Post Office] shall not form an objection to the running of that vehicle on any railway.
- (5) For the greater security of mail bags conveyed by regular mail trains, the railway undertakers shall comply with such reasonable directions respecting the conveyance, delivery and leaving of mail bags and [<sup>F4</sup>persons engaged in the business of the Post Office] accompanying them and vehicles used for the conveyance thereof as the [<sup>F3</sup>Post Office] may from time to time give, and the undertakers shall be responsible for any failure on the part of their officers or servants to comply with any such directions:
 

Provided that no [<sup>F4</sup>person engaged in the business of the Post Office] shall interfere with or give orders to an engine driver or other person having charge of a railway engine, but if any cause of complaint arises it shall be stated to the officer of the railway undertakers having charge of the train or to the chief officer of the undertakers on duty at any station upon the railway.

#### Textual Amendments

- F3** Words substituted by virtue of [Post Office Act 1969 \(c. 48\), s. 20\(2\)\(a\)](#)  
**F4** Words substituted by virtue of [Post Office Act 1969 \(c. 48\), Sch. 4 para. 2\(1\)](#)  
**F5** [S. 34\(3\)](#) repealed by [Post Office Act 1969 \(c. 48\), Sch. 8 Pt. I](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1953 (repealed), Cross Heading: Conveyance of mail bags by railway undertakers. (See end of Document for details)*

### 35 Remuneration for regular mail train services.

Railway undertakers shall be entitled to be paid by the [F<sup>6</sup>Post Office] such reasonable remuneration for any regular mail train services performed by them under this Act as may be agreed between the [F<sup>6</sup>Post Office] and the undertakers or, in default of agreement, as may be determined by the Transport Tribunal:

Provided that the performance of any such services shall not be suspended, postponed or deferred by reason only that the remuneration to be paid for the services has not been either agreed or determined as aforesaid.

#### Textual Amendments

**F6** Words substituted by virtue of [Post Office Act 1969 \(c. 48\)](#), [s. 20\(2\)\(a\)](#)

### 36 Alteration of regular mail train services.

(1) Notwithstanding any agreement or award as to the remuneration to be paid by the [F<sup>7</sup>Post Office] to any railway undertakers for any regular mail train services performed by them, the [F<sup>7</sup>Post Office] may, by notice in writing—

- (a) require the undertakers, as from the day specified in the notice (being not less than twenty-eight days from the service thereof), to render such additional services as may be specified therein; or
- (b) direct that, as from the day specified in the notice, those services or such part thereof as may be so specified shall be discontinued.

(2) As from the day specified in any such notice, any agreement or award as to remuneration for the regular mail train services provided by the railway undertakers shall cease to have effect, and the remuneration to be paid for any such services performed on or after that day as increased or reduced by such a requirement or direction as aforesaid shall be such as may be fixed by a new agreement between the [F<sup>7</sup>Post Office] and the undertakers or, in default of agreement, as may be determined by the Transport Tribunal:

Provided that the provision of any services as so increased or reduced shall not be suspended, postponed or deferred by reason only that the remuneration to be paid therefor has not been either agreed or determined as aforesaid.

(3) Where any dispute as to remuneration is referred to the Transport Tribunal under the last foregoing subsection, that tribunal may award any compensation they consider reasonable to be paid to the railway undertakers for any loss that may be occasioned to the undertakers by the alteration or discontinuance of the services previously performed by them by means of any train or vehicle specially required by the [F<sup>7</sup>Post Office] to be forwarded for the conveyance of mail bags.

(4) Where the day specified in any notice given under this section for the discontinuance in whole or in part of any regular mail train services is less than six months from the service of the notice, then, if the services are directed to be discontinued without cause stated or for any stated cause other than the default of the undertakers in the performance of any of the services required of them by the [F<sup>7</sup>Post Office] or the breach by the undertakers of any agreement with the [F<sup>7</sup>Post Office], the [F<sup>7</sup>Post Office] shall pay to the undertakers such full and fair compensation for all loss occasioned by the

*Status: Point in time view as at 01/02/1991.**Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1953 (repealed), Cross Heading: Conveyance of mail bags by railway undertakers. (See end of Document for details)*

discontinuance as may be agreed between the [<sup>F7</sup>Post Office] and the undertakers or, in default of agreement, as may be determined by the Transport Tribunal.

#### Textual Amendments

**F7** Words substituted by virtue of [Post Office Act 1969 \(c. 48\)](#), [s. 20\(2\)\(a\)](#)

### 37 **Review of agreements and awards as to regular mail train services.**

Where any agreement or award fixing the amount of remuneration to be paid to any railway undertakers for regular mail train services performed by them has been in force for a period of three years, the undertakers may, if they consider themselves aggrieved by the terms fixed by the agreement or award, by notice under their common seal require that the agreement or award shall be referred to the Transport Tribunal in order that it may be determined whether any and if so what alteration ought to be made therein:

Provided that the provision of any regular mail train services shall not be interrupted or impeded by reason of any such reference to the Transport Tribunal.

### 38 **Conveyance of mail bags by railway otherwise than as part of regular mail train services.**

- (1) Railway undertakers shall, whether or not any notice requiring the provision of regular mail trains has been given to them by the [<sup>F8</sup>Post Office] under this Act, convey by any train all mail bags tendered to them for conveyance by that train, whether or not those mail bags are accompanied by [<sup>F9</sup>a person engaged in the business of the Post Office], and shall afford all reasonable facilities for the receipt and delivery of mail bags at any of their stations without requiring them to be booked or interposing any other delay, and where the mail bags are accompanied by [<sup>F9</sup>a person engaged in the business of the Post Office] shall permit that officer to receive and deliver them at any station and render him such assistance as he may require.
- (2) Railway undertakers shall be entitled to be paid by the [<sup>F8</sup>Post Office] such reasonable remuneration for any services performed by them under the foregoing subsection as may be agreed between the [<sup>F8</sup>Post Office] and the undertakers or, in default of agreement, as may be determined by the Transport Tribunal.
- (3) The [<sup>F8</sup>Post Office] may send any [<sup>F9</sup>person engaged in the business of the Post Office] with mail bags not exceeding the weight of luggage allowed to any other passenger (or subject to the general rules of the railway undertakers for any excess of that weight) by any passenger train upon the same conditions as any other passenger; and in that case the undertakers shall not be responsible for the safe custody or delivery of the mail bags.

#### Textual Amendments

**F8** Words substituted by virtue of [Post Office Act 1969 \(c. 48\)](#), [s. 20\(2\)\(a\)](#)

**F9** Words substituted by virtue of [Post Office Act 1969 \(c. 48\)](#), [Sch. 4 para. 2\(1\)](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1953 (repealed), Cross Heading: Conveyance of mail bags by railway undertakers. (See end of Document for details)*

### 39 Bye-laws, etc. of railway undertakers.

Railway undertakers shall not make any bye-laws, orders, rules or regulations which militate against or are contrary or repugnant to any of the provisions of this Act relating to the conveyance of mails by railway, and if any railway undertakers make any such bye-laws, orders, rules or regulations, whether before or after the [<sup>F10</sup>Post Office] has signified [<sup>F10</sup>its] intention that mail bags or vehicles for their carriage shall be conveyed by their railway, the bye-laws, orders, rules or regulations shall, so far as they militate against or are contrary or repugnant to any of the said provisions, be void.

#### Textual Amendments

**F10** Words substituted by virtue of [Post Office Act 1969 \(c. 48\)](#), [s. 20\(2\)\(b\)](#)

### 40 Service of notices on railway undertakers.

Any notice authorised to be served by the [<sup>F11</sup>Post Office] on railway undertakers under this Act may be served . . . <sup>F12</sup>

- (a) . . . <sup>F12</sup>
- (b) by leaving it at any station belonging to the undertakers.

#### Textual Amendments

**F11** Words substituted by virtue of [Post Office Act 1969 \(c. 48\)](#), [s. 20\(2\)\(b\)](#)

**F12** Word and s. 40(a) repealed by [Transport Act 1962 \(c. 46\)](#), [Sch. 12 Pt. I](#), and repealed (N.I.) by [S.I. 1984/1986 \(N.I. 15\)](#), [Sch. 3](#)

### 41 Offences relating to conveyance of mails by railway.

If any railway undertakers—

- (a) refuse or neglect to convey any mail bags tendered to them for that purpose by any [<sup>F13</sup>person engaged in the business of the Post Office];
- (b) refuse to convey on their railway any sorting carriage or other vehicle when required so to do by the [<sup>F14</sup>Post Office] under the provisions of this Act;
- (c) refuse or neglect to receive, take up, deliver or leave any mail bags, [<sup>F13</sup>persons engaged in the business of the Post Office], sorting carriages or other vehicles at such places, at such times, on such days, and subject to such reasonable requirements and restrictions as to speed of travelling, places, times, and duration of stoppages, as the [<sup>F14</sup>Post Office] may direct; or
- (d) fail to observe such directions respecting the conveyance of mail bags, sorting carriages and other vehicles on their railway as the [<sup>F14</sup>Post Office] may give,

the undertakers shall be liable on summary conviction to a fine not exceeding [<sup>F15</sup>level 2 on the standard scale].

#### Textual Amendments

**F13** Words substituted by virtue of [Post Office Act 1969 \(c. 48\)](#), [Sch. 4 para. 2\(1\)](#)

**F14** Words substituted by virtue of [Post Office Act 1969 \(c. 48\)](#), [s. 20\(2\)\(b\)](#)

*Status: Point in time view as at 01/02/1991.**Changes to legislation: There are currently no known outstanding effects for the Post Office Act 1953 (repealed), Cross Heading: Conveyance of mail bags by railway undertakers. (See end of Document for details)*

- F15** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) and (N.I.) by virtue of S.I. 1984/703 (N.I. 3), [arts. 5, 6](#)

## **42 Conveyance of mail bags on ships used by railway undertakers.**

Where railway undertakers—

(a) own or work: or

(b) are parties to any arrangement for using, maintaining or working,

any mechanically-propelled ship for the purpose of carrying on communications between any towns or ports, whether situated in the British postal area or not, the provisions of this Act relating to the conveyance by railway of mail bags and any [<sup>F16</sup>persons engaged in the business of the Post Office] accompanying them shall, subject to the necessary modifications, extend to the conveyance of mail bags and any such officers by that ship:

Provided that, without prejudice to section twenty-nine of this Act, paragraph (b) of this section shall not apply in relation to the conveyance of parcels.

### **Textual Amendments**

- F16** Words substituted by virtue of [Post Office Act 1969 \(c. 48\)](#), [Sch. 4 para. 2\(1\)](#)

## **43** <sup>F17</sup> .....

### **Textual Amendments**

- F17** [Ss. 43, 44\(3\)–\(5\), 45\(2\)](#) repealed by [Post Office Act 1969 \(c. 48\)](#), [s. 137\(1\)\(3\)](#), [Sch. 8 Pt. I](#)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Post Office Act 1953 (repealed), Cross Heading: Conveyance of mail bags by railway undertakers.