
STATUTORY INSTRUMENTS

2000 No. 2957

**The Postal Services Act 2000 (Commencement
No. 1 and Transitional Provisions) Order 2000**

Citation and interpretation

1.—(1) This Order may be cited as the Postal Services Act 2000 (Commencement No. 1 and Transitional Provisions) Order 2000.

(2) In this Order—

“the 1969 Act” means the Post Office Act 1969⁽¹⁾;

“the Act” means the Postal Services Act 2000;

“Country Council” means any one of the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales or the Post Office Users' Council for Northern Ireland, established under section 14(1) of the 1969 Act⁽²⁾;

“the National Council” means the Post Office Users' National Council established by section 14(1) of the 1969 Act.

Commencement

2.—(1) The provisions of the Act specified in Schedule 1 shall come into force on 6th November 2000.

(2) The provisions of the Act specified in Schedule 2 shall come into force on 1st January 2001.

(3) The provisions of the Act specified in Schedule 3 shall come into force on 26th March 2001.

Transitional Provisions

3.—(1) Where, prior to the date on which section 12(3)(b) of the Act is commenced, the Commission publishes a notice in accordance with section 12(3)(a) of the Act, the Commission shall not grant a licence under section 11 of the Act unless the Commission, in addition to considering representations made in accordance with the notice, as required by section 12(3)(c) of the Act, has—

(a) on or after the day on which section 12(3)(b) of the Act comes into force, served a copy of the notice published in accordance with section 12(3)(a) of the Act on the Council; and

(b) considered any representations (which have not been withdrawn) made by the Council within 28 days starting with the day on which the notice was served, and which are made in accordance with the notice (except for any provision contained in the notice relating to the period of time by which representations are to be made).

(2) Where the Secretary of State has consulted in relation to guidance to be given under section 43(2) of the Act in accordance with section 43(3)(a), (c), (d) and (e) of the Act prior to the commencement of section 43(3)(b) of the Act, he shall not lay a copy of the guidance before each

⁽¹⁾ 1969 c. 48.

⁽²⁾ 1969 c. 48. Subsection (1) of section 14 was amended by the Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974 (S.I.1974/595), Article 3(14).

House of Parliament under section 43(4) of the Act until after section 43(3)(b) of the Act has come into force and the Council has been consulted in accordance with section 43(3)(b) of the Act.

4. Where, after the commencement of section 1 of the Act (and prior to the repeal of section 14 of the 1969 Act⁽³⁾), the National Council or a Country Council is required under section 14(8) or 14(9) of the 1969 Act to give notice, or to transmit observations, to the Secretary of State and the Post Office, the National Council or, as the case may be, the Country Council, shall also give such notice or, as the case may be, transmit such observations, to the Commission.

5. Notwithstanding the repeal of section 14 of the 1969 Act where, by the date on which the National Council is abolished under section 2(4) of the Act,—

- (a) the National Council has not completed its consideration under section 14(9)(a) of the 1969 Act of any matter relating to the services provided by the Post Office which was the subject of a representation made to the National Council by, or on behalf of, a user of the services so provided or of any other matter relating to the services so provided which appeared to the National Council to be one to which consideration ought to be given by it notwithstanding that no representation had been made with respect to it, the Council shall consider the matter and, if it is of the opinion that action ought to be taken, give to the Secretary of State and the Post Office notice of that fact (stating whether or not the matter was the subject of a representation made to the National Council) and of the action which the Council thinks ought to be taken, as if it were the National Council acting pursuant to section 14(9)(a) of the 1969 Act and shall also give such notice to the Commission;
- (b) the National Council has not completed its consideration under section 14(9)(b) of the 1969 Act of the subject-matter of a notice given to it in pursuance of section 14(8)(a) of the 1969 Act by a Country Council, the Council shall consider the subject-matter of such a notice and transmit its observations thereon to the Secretary of State and the Post Office as if it were the National Council acting pursuant to section 14(9)(b) of the 1969 Act and shall also transmit such observations to the Commission;
- (c) the National Council has not completed its consideration and report under section 14(9)(c) of the 1969 Act on any matter referred to it by the Secretary of State or by the Post Office under section 14(6) of the 1969 Act, the Council shall consider any such matter and report thereon to the Secretary of State and the Post Office as if it were the National Council acting pursuant to section 14(9)(c) of the 1969 Act and shall also report thereon to the Commission.

6. Notwithstanding the repeal of section 14 of the 1969 Act, where, by the date on which the Country Councils are abolished under section 2(4) of the Act,—

- (a) a Country Council has not completed its consideration under section 14(8)(a) of the 1969 Act of any matter relating to the services provided by the Post Office in the part of the United Kingdom for which the Country Council is established which was the subject of a representation made to the Country Council by, or on behalf of, a user in that part of the United Kingdom of those services or of any other matter relating to the services so provided in that part of the United Kingdom which appeared to the Country Council to be one to which consideration ought to be given by it notwithstanding that no representation had been made to it with respect to it, the Council shall consider the matter and, if it is of the opinion that action ought to be taken with respect to any such matter, give to the Secretary of State and the Post Office notice of that fact (stating whether or not the matter was the subject of a representation made to the Country Council) and of the action which the

(3) 1969 c. 48. Subsection (1) of section 14 was amended by the Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974 (S.I. 1974/595), Article 3(14); subsections (2)-(4), (6)-(9), (14)-(17) and (19) of section 14 were amended by the Ministry of Posts and Telecommunications (Dissolution) Order 1974 (S.I. 1974/691), Articles 2 and 3(3); subsection (18) of section 14 was repealed by the British Telecommunications Act 1981 (c. 38), Schedule 6, Part I; subsection (20) of section 14 was repealed by the House of Commons Disqualification Act 1975 (c. 24), section 10(2), Schedule 3.

Council thinks ought to be taken as if it were one of the Country Councils acting pursuant to section 14(8)(a) of the 1969 Act and shall also give such notice to the Commission;

- (b) a Country Council has not completed its consideration and report under section 14(8)(b) of the 1969 Act on any matter referred to it by the Secretary of State or the Post Office under section 14(7) of the 1969 Act, the Council shall consider the matter and report thereon to the Secretary of State and the Post Office as if it were one of the Country Councils acting pursuant to section 14(8)(b) of the 1969 Act and shall also report thereon to the Commission.

7. Where, on or after the day appointed under section 62 of the Act, the Council is required by Article 5 or Article 6 to give notice, or to transmit observations, to the Post Office, the Council shall give that notice or, as the case may be, transmit those observations, to the Post Office company.

8. Notwithstanding the repeal of section 14 of the 1969 Act, the duty of the National Council and the Country Councils under section 14(14) of the 1969 Act to make, as respects each accounting year, a report to the Secretary of State on the exercise and performance by the National Council or, as the case may be, a Country Council, of its functions during that year shall, in respect of the accounting year in which the abolition of the National Council and the Country Councils under section 2(4) of the Act occurs, be performed by the Council and the Secretary of State shall lay a copy of each such report before each House of Parliament.

Alan Johnson,
Parliamentary Under Secretary of State for
Competitiveness,
Department of Trade and Industry

2nd November 2000