
STATUTORY INSTRUMENTS

2000 No. 2957 (C. 88)

POSTAL SERVICES

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

Made - - - - 2nd November 2000

The Secretary of State, in exercise of the powers conferred on him by sections 129 and 130(1) of the Postal Services Act 2000⁽¹⁾ hereby makes the following Order:

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⁽²⁾;

“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⁽³⁾;

“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.

(1) 2000 c. 26.

(2) 1969 c. 48.

(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).

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- (b) considered any representations (which have not been withdrawn) made by the Council within 28 days starting with the day on which the notice was served, and which are made in accordance with the notice (except for any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 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⁽⁴⁾), 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

(4) 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 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 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.

2nd November 2000

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 2(1)

PROVISIONS COMING INTO FORCE ON 6 NOVEMBER 2000

<i>Provision</i>	<i>Subject matter of provision</i>
Section 1	The Postal Services Commission
Section 3	Duty of the Commission to ensure provision of a universal postal service
Section 4	Provision of a universal postal service: meaning
Section 5	Other duties of the Commission in the consumer interest
Section 11	Licences: general
Section 12, except for paragraph (b) of subsection (3) and subsection (5)	Licences: grant
Section 13	Licences: conditions and other provisions
Section 30, subsection (2)	Financial penalties
Section 38	Register
Section 39	Recovery of costs of the Council etc.
Section 42, subsection (3)	Duties in relation to public post offices
Section 43, except paragraph (b) of subsection (3)	Duties in relation to social and environmental matters
Section 44, except subsection (5)	Review and information
Section 45	Annual and other reports: the Commission
Section 46	Publication of information and advice: the Commission
Section 47, in so far as it relates to information required in connection with the exercise of the Commission's functions under section 44(4)	Power of the Commission to require information
Section 48	Information powers: enforcement
Section 59, subsection (2)	Provision of information by the Council to the Commission
Part IV	Reorganisation of the Post Office
Section 101	Directions in interests of national security etc.
Section 102	Power to ensure compliance with the Postal Services Directive
Section 103	Subsidy for public post offices
Section 117	Records of the former Postmaster General's department
Section 118	Supplementary provisions relating to the Council

<i>Provision</i>	<i>Subject matter of provision</i>
Section 119, in so far as it relates to the provisions in Schedule 7 specified below	General restrictions on the disclosure of information
Section 127(4), in so far as it relates to the amendments effected by Schedule 8 specified below	General amendments and repeals
Section 127(6), in so far as it relates to the repeals and revocations specified in the table below	
Schedule 1	The Postal Services Commission
Schedule 3	Transfer to the Post Office company: supplementary provisions
Schedule 4	Transfer to the Post Office company: tax
Schedule 6, paragraph 1	Further provisions relating to land: Power to place post-boxes etc. in streets
Schedule 7, except subparagraph (1)(a) of paragraph 3 in relation to the Competition Commission and the Council	Disclosure of information
Schedule 8, paragraphs 6, 7, 8 (in so far as it relates to the Post Office company), 10, 14(1) and (3), 15, and 27	Amendments of enactments
In Schedule 9, the repeals and revocations specified in the table below	Repeals and revocations

Table

<i>Reference</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1976 c. 10	Post Office (Banking Services) Act 1976	The whole Act
S.I.1999/2107	Postal Services Regulations 1999	Regulation 2(2) and (3) Regulation 3(1) to 3(3).

SCHEDULE 2

Article 2(2)

PROVISIONS COMING INTO FORCE ON 1 JANUARY 2001

<i>Provision</i>	<i>Subject matter of provision</i>
Section 2	The Consumer Council for Postal Services
Section 12, in so far as it is not already in force	Licences: grant
Section 31	Statement of policy in relation to penalties
Section 41	Free services for the blind and partially sighted

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<i>Provision</i>	<i>Subject matter of provision</i>
Section 42, in so far as it is not already in force	Duties in relation to public post offices
Section 43, in so far as it is not already in force	Duties in relation to social and environmental matters
Section 44, in so far as it is not already in force	Review and information
Section 47, in so far as it relates to information required in connection with the exercise of the Commission's functions under section 42 and section 44(5)	Power of the Commission to require information
Section 50	Codes of practice
Section 51	Relevant postal issues
Section 52	Provision of advice and information to public authorities and licence holders
Section 53	Publication of information to users
Section 54	Exercise of functions: general
Section 55	Annual and other reports: the Council
Section 56	Complaints referred to the Council
Section 57	Power of the Council to investigate other matters
Section 58	Power of the Council to require information
Section 59, in so far as it is not already in force	Provision of information by the Council to the Commission
Section 60	Memorandum of understanding
Section 61	Forward work programmes
Section 93	Power to modify sections 89 to 92
Section 94	Power to require carriage of mail-bags by ship or aircraft
Section 119, in so far as it relates to the provisions in Schedule 7 specified below	General restrictions on the disclosure of information
Section 127(4), in so far as it relates to the amendments effected by Schedule 8 specified below	General amendments and repeals
Section 127(6), in so far as it relates to the repeals specified in the table below	
Schedule 2	The Consumer Council for Postal Services
Schedule 7, subparagraph (1)(a) of paragraph 3 in relation to the Council	Disclosure of information
In Schedule 8, paragraphs 8 (in so far as it is not already in force), 9, 13, and 14 (in so far as it is not already in force)	Amendments of enactments

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<i>Provision</i>	<i>Subject matter of provision</i>
In Schedule 9, the repeals specified in the table below	Repeals and revocations

Table

<i>Reference</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1 & 2 Eliz.2 c. 36	Post Office Act 1953	Section 29
		Section 44 and 45
1967 c. 13	Parliamentary Commissioner Act 1967	In Schedule 2, the entries relating to the Post Office Users' Council for Northern Ireland, the Post Office Users' Council for Scotland, the Post Office Users' Council for Wales and the Post Office Users' National Council
1969 c. 48	Post Office Act 1969	Sections 14 and 15
1970 c. 44	Chronically Sick and Disabled Persons Act 1970	In section 14, in subsection (1), the words “, the Post Office Users' Councils” and subsection (2)
1975 c. 24	House of Commons Disqualification Act 1975	In Schedule 1, in Part III, the entry relating to the Chairman of the Post Office Users' National Council
1981 c. 38	British Telecommunications Act 1981	Section 65
1995 c. 21	Merchant Shipping Act 1995	In Schedule 13, paragraph 28.

SCHEDULE 3

Article 2(3)

PROVISIONS COMING INTO FORCE ON 26 MARCH 2001

<i>Provision</i>	<i>Subject matter of provision</i>
Section 6	Restriction on provision of postal services
Section 7	Exceptions from section 6
Section 8	Power to modify section 7 by order
Section 9	General power to suspend the restriction
Section 10	Emergency power to suspend the restriction
Section 14	Modification of licences by agreement
Section 15	References to the Competition Commission

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<i>Provision</i>	<i>Subject matter of provision</i>
Section 16	Reports on references
Section 17	Modification following report
Section 18	Power of intervention of the Competition Commission
Section 19	Procedural requirements in relation to modifications
Section 20	Application of competition legislation to references etc.
Section 21	Modification by order under other enactments
Section 22	Final orders
Section 23	Provisional orders
Section 24	Confirmation of provisional orders
Section 25	Exceptions from duty to make or confirm enforcement orders
Section 26	Enforcement orders: main procedural requirements
Section 27	Enforcement orders: further procedural requirements
Section 28	Validity of enforcement orders
Section 29	Effect of enforcement orders
Section 30, in so far as it is not already in force	Financial penalties
Section 32	Imposition of penalties: main procedural requirements
Section 33	Penalties: further procedural requirements
Section 34	Time-limits on the imposition of penalties
Section 35	Interest and payments by instalment
Section 36	Appeals
Section 37	Recovery of penalties
Section 40	Directors' remuneration
Section 47, in so far as it is not already in force	Power of the Commission to require information
Section 49	Powers of entry and seizure
Section 95	Power to acquire land etc.
Section 97	Harbour charges on mail-bags
Section 98	Mail-bags not to be subject to control by harbour authorities
Section 99	Common carriers

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<i>Provision</i>	<i>Subject matter of provision</i>
Section 100	Certain exemptions from postage etc.
Section 116	The Postcode Address File
Section 119, in so far as it is not already in force	General restrictions on disclosure of information
Section 127(4), in so far as it is not already in force	General amendments and repeals
Section 127(6), in so far as it relates to the repeals and revocations specified in the table below	
Schedule 5	Acquisition of land
Schedule 6, in so far as it is not already in force	Further provisions relating to land
Schedule 7, in so far as it is not already in force	Disclosure of information
Schedule 8, paragraphs 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26	Amendments of enactments
In Schedule 9, the repeals and revocations specified in the table below	Repeals and revocations

Table

<i>Reference</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
10 & 11 Geo 5 c. 75	Official Secrets Act 1920	Section 5
1969 c. 48	Post Office Act 1969	Section 33
		Sections 40 and 41
		Sections 43 and 44
		Sections 46 to 48
		Sections 55 to 63
		Sections 66 and 67
		Sections 72 and 73
		Section 84
		Section 87
		Section 119
		Section 129
		In section 135, subsection (1) (b) and the word “or”

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<i>Reference</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
		immediately preceding it and subsections (2) and (3)
		Schedules 2 and 3
		In Schedule 4, paragraph 21
S.I. 1973/2163	Northern Ireland (Modification of Enactments—No. 1) Order 1973	In Schedule 5, paragraph 20(a)
1981 c. 38	British Telecommunications Act 1981	Sections 58(1) to (3)
		Sections 59 to 61
		Sections 63 and 64
		Sections 66 to 69
		Sections 71 to 74
		Section 76
1987 c. 22	Banking Act 1987	In Schedule 6, paragraph 10
S.I. 1999/1042	Scotland Act 1998 (Consequential Modifications) (No. 1) Order 1999	In Schedule 1, paragraph 6
S.I. 1999/2107	Postal Services Regulations 1999	In Regulation 1(3), the definitions of “the 1969 Act” and “the 1981 Act”
		Regulations 4 to 6.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Postal Services Act 2000 as follows:

- (a) the provisions specified in Schedule 1 to the Order are to come into force on 6th November 2000,
- (b) the provisions specified in Schedule 2 to the Order are to come into force on 1st January 2001,
- (c) the provisions specified in Schedule 3 to the Order are to come into force on 26th March 2001.

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Sections 120 to 126, section 127 (except subsections (4) and (6)) and sections 128 to 131 came into force on Royal Assent. Section 115 came into force 2 months after Royal Assent. The remaining provisions will be brought into force by subsequent orders.

Articles 3 to 8 contain transitional provisions.