
STATUTORY INSTRUMENTS

2001 No. 1149

The Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001

Citation, commencement and extent

1.—(1) This Order may be cited as the Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001.

(2) Subject to paragraph (3), this Order shall come into force on 26th March 2001.

(3) The repeal of the words “The Post Office” in Part I of Schedule 4 to the National Audit Act 1983⁽¹⁾ shall come into force on the day on which the Post Office is dissolved in accordance with section 75 of the Postal Services Act 2000.

(4) This Order does not extend to the Channel Islands or the Isle of Man.

(5) Subject to paragraph (4), any modification by this Order of an enactment has the same extent as the enactment modified.

References to second class post

2.—(1) Any enactment which requires or authorises a document or other thing to be sent by second class post (whether or not it makes any other provision in that respect) shall be construed as if it required, or (as the case may be) authorised, that thing to be sent by a postal service which seeks to deliver such documents or other things by post no later than three working days after posting in all or the majority of cases.

(2) Any enactment which makes any other provision in relation to the sending of a document or other thing by second class post, or to a thing so sent, shall be construed as if it made corresponding provision in relation to the sending of that thing by a postal service which seeks to deliver such documents or other things by post no later than three working days after posting in all or the majority of cases, or (as the case may be) to a thing sent by such a service.

(3) Any reference (however worded and including references which are to be construed as such references) in a related enactment to the second class post, or to a letter or other postal packet sent by that post, shall be construed as references to a postal service which seeks to deliver such documents or other things by post no later than three working days after posting in all or the majority of cases, or to a letter or other postal packet sent by such a post.

(4) In paragraph (3) “related enactment” means—

- (a) any enactment the provisions of which apply to, or operate in consequence of the operation of, any enactment to which paragraph (1) or (2) applies,
- (b) any enactment relating to the sending of documents or other things otherwise than by second class post or to documents or other things so sent.

(5) Paragraphs (3) and (4) are without prejudice to the generality of paragraphs (1) and (2).

(6) Paragraphs (1) to (5) do not apply in relation to any enactment made after the coming into force of this article if the context in that enactment is such as to require that those paragraphs do not apply.

(7) Paragraphs (1) to (5) are subject to any provision made under the Postal Services Act 2000.

(8) In this article references to sending a document or other thing include references to serving, executing, giving or delivering it or doing any similar thing.

Other modifications of enactments

3.—(1) The amendments specified in Schedule 1 shall have effect.

(2) The repeals and revocations specified in Schedule 2 shall have effect.

Transitional and saving provisions

4.—(1) The repeal by this Order of sections 16 and 18 of the Post Office Act 1969 does not affect the vestings effected by virtue of either section.

(2) The repeal of section 18 of that Act does not affect the continued existence of any concurrent rights which were exercisable immediately before 26th March 2001 by virtue of that section.

(3) The repeal by this Order of section 133 of that Act does not affect any changes made or having effect in accordance with that section in relation to trust deeds, rules, regulations or other instruments.

(4) The repeal by this Order of the words “or the Post Office” in section 157(5) of the Inheritance Tax Act 1984 does not apply in relation to determining the value of an estate by reference to a point in time before 26th March 2001.

(5) Nothing in Part 1 of the Building Act 1984 with respect to building regulations, and nothing in any building regulations, shall apply to any building work commenced before 26th March 2001 in relation to any building which—

- (a) belonged to the Post Office;
- (b) was held or used by the Post Office for the purpose of its statutory undertaking; and
- (c) did not fall within section 4(1)(b)(i) or (ii) of that Act;

or which would have so belonged, been held or used and not fallen if the work had been completed before that date.

(6) For the purposes of paragraph (5) building work shall be taken to have commenced before 26th March 2001 if—

- (a) substantive building work commenced before that date; or
- (b) a contract providing for substantive building work to be commenced no later than six months after 26th March 2001 was entered into before 26th March 2001.

(7) In paragraph (6) “substantive building work”, in the case of building work which consists in the erection of a building, means the erection of that building.

(8) The modifications by this Order relating to the Regulation of Investigatory Powers Act 2000 do not affect the validity (including in relation to conduct on or after 26th March 2001) of any authorisation issued under section 28 or 29 of that Act by the Post Office before that date; and any functions in connection with the authorisation which formerly belonged to the Post Office shall be treated as being, on or after 26th March 2001, functions of the corresponding universal service provider.

(9) The revocation of paragraph 23 of the Schedule to the Local Authorities (Capital Finance) (Approved Investments) Regulations 1990 shall not have effect in relation to any investments made by a local authority to the Post Office before 26th March 2001.

(10) Any transitory, transitional or saving provision made by an order under section 129 of the Postal Services Act 2000 in relation to an enactment modified by that Act shall, so far as relevant, apply to any modification by this Order of an enactment which relates to the enactment which is being modified by the Act.

(11) No repeal of an enactment by this Order shall apply so far as the enactment is necessary for any purpose in connection with a transfer effected by virtue of section 4 or 10 of the British Telecommunications Act 1981 or section 60 of the Telecommunications Act 1984.

(12) Any transitional or saving provision made by this article is without prejudice to the operation of section 16 of the Interpretation Act 1978(2).

Supplementary provision

5. In sections 111 to 114 and 117 of, and Part I of Schedule 8 to, the Postal Services Act 2000, “the Post Office company” has the meaning given by section 62(8) of that Act.

22nd March 2001

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Competitiveness,
Department of Trade and Industry