



# Postal Services Act 2000

## 2000 CHAPTER 26

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *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 [<sup>F1</sup>a Post Office company] for any loss or damage as a result of—
  - (a) a reasonable refusal by [<sup>F2</sup>the company] to pay a postal or money order which has been issued by it or a foreign postal administration, or
  - (b) a reasonable delay by [<sup>F3</sup>the company] in paying any such order.
- (2) Where a postal or money order issued by [<sup>F4</sup>a 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 [<sup>F4</sup>a 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 [<sup>F5</sup>a Post Office company] is discharged by the payment of the order outside the United Kingdom in accordance with arrangements made by [<sup>F6</sup>the company] in that regard.
- (5) Where a postal or money order issued by a foreign postal administration is paid by [<sup>F7</sup>a 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, [<sup>F8</sup>the 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 [<sup>F9</sup>a Post Office company] for payment otherwise than by a banker to whom it has

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been delivered for collection or the true owner of the order, payment of the order by [<sup>F10</sup>the company] to the person presenting it shall not make [<sup>F10</sup>the 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 [<sup>F11</sup>a 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.

[<sup>F12</sup>(8A) In this section and sections 112 to 114 “Post Office company” has the meaning given by section 6 of the Postal Services Act 2011.]

(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.

#### Textual Amendments

- F1** Words in s. 111(1) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(2\)\(a\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F2** Words in s. 111(1)(a) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(2\)\(b\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F3** Words in s. 111(1)(b) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(2\)\(b\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F4** Words in s. 111(2)(3) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(3\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F5** Words in s. 111(4) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(4\)\(a\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F6** Words in s. 111(4) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(4\)\(b\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F7** Words in s. 111(5) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(5\)\(a\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F8** Words in s. 111(5) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(5\)\(b\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F9** Words in s. 111(6) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(6\)\(a\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F10** Words in s. 111(6) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(6\)\(b\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F11** Words in s. 111(7) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(7\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)
- F12** S. 111(8A) inserted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 38\(8\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with art. 4)

**Changes to legislation:** There are currently no known outstanding effects for the Postal Services Act 2000, Cross Heading: Postal and money orders. (See end of Document for details)

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

- C1** Ss. 111-114 modified (temp.) (15.9.2011) by [The Postal Services Act 2011 \(Commencement No. 1 and Transitional Provisions\) Order 2011 \(S.I. 2011/2329\)](#), [art. 4](#)
- C2** S. 111(1)-(4) modified (22.3.2001) by [S.I. 2001/1148](#), [art. 31](#) (with [art. 34](#))

**Commencement Information**

- I1** 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](#))

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

- (1) [<sup>F13</sup>A Post Office company] shall not issue postal or money orders otherwise than in accordance with a scheme under this section.
- (2) [<sup>F13</sup>A 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 [<sup>F14</sup>a 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.

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- (8) Any charge payable by virtue of this section may be recovered by [<sup>F15</sup>a 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.

#### Textual Amendments

- F13** Words in s. 112(1)(2) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 39\(2\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with [art. 3\(2\)](#))
- F14** Words in s. 112(5) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 39\(3\)](#); [S.I. 2012/1095, art. 3\(1\)](#)
- F15** Words in s. 112(8) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 39\(3\)](#); [S.I. 2012/1095, art. 3\(1\)](#)

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

- C1** Ss. 111-114 modified (temp.) (15.9.2011) by [The Postal Services Act 2011 \(Commencement No. 1 and Transitional Provisions\) Order 2011 \(S.I. 2011/2329\), art. 4](#)

#### Commencement Information

- I2** 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 money order issued by [<sup>F16</sup>a Post Office company] or a foreign postal administration has been delivered for collection to a banker, and
  - [<sup>F17</sup>a Post Office company (“the 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 [<sup>F18</sup>the company] company to the banker by way of payment of money orders so issued which have been delivered to the banker for collection.

#### Textual Amendments

- F16** Words in s. 113(1)(a) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 40\(2\)\(a\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with [art. 5](#))
- F17** Words in s. 113(1)(b) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 40\(2\)\(b\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with [art. 5](#))
- F18** Words in s. 113(2) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 40\(3\)](#); [S.I. 2012/1095, art. 3\(1\)](#) (with [art. 5](#))

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

- C1** Ss. 111-114 modified (temp.) (15.9.2011) by [The Postal Services Act 2011 \(Commencement No. 1 and Transitional Provisions\) Order 2011 \(S.I. 2011/2329\)](#), [art. 4](#)
- C3** S. 113(1)(a) modified (22.3.2001) by [S.I. 2001/1148](#), [art. 31](#) (with [art. 34](#))

#### Commencement Information

- I3** 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 [<sup>F19</sup>a 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 [<sup>F20</sup>a 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 [<sup>F21</sup>the 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.

#### Textual Amendments

- F19** Words in s. 114(1) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 41\(2\)](#); [S.I. 2012/1095](#), [art. 3\(1\)](#)
- F20** Words in s. 114(2) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 41\(3\)\(a\)](#); [S.I. 2012/1095](#), [art. 3\(1\)](#)
- F21** Words in s. 114(2) substituted (23.4.2012) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 41\(3\)\(b\)](#); [S.I. 2012/1095](#), [art. 3\(1\)](#)

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

- C1** Ss. 111-114 modified (temp.) (15.9.2011) by [The Postal Services Act 2011 \(Commencement No. 1 and Transitional Provisions\) Order 2011 \(S.I. 2011/2329\)](#), [art. 4](#)

#### Commencement Information

- I4** 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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