



# Postal Services Act 2011

## 2011 CHAPTER 5

### PART 5

#### GENERAL

#### **89 Orders and regulations made by Ministers of Crown**

- (1) This section applies to orders and regulations under this Act made by the Secretary of State, the Treasury or the Lord Chancellor.
- (2) Any order or regulations may—
  - (a) contain incidental, supplementary, consequential, transitional, transitory or saving provision, and
  - (b) make different provision for different cases or circumstances or for different areas.
- (3) Any order or regulations are to be made by statutory instrument.
- (4) Where any order or regulations are subject to “affirmative resolution procedure” the order or regulations may not be made unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (5) Where any order is subject to “approval after being made”, the order—
  - (a) must be laid before Parliament after being made, and
  - (b) ceases to have effect at the end of the period of 28 days beginning with the day on which it was made unless, during that period, it is approved by a resolution of each House of Parliament.
- (6) In reckoning the period of 28 days no account is to be taken of any time—
  - (a) during which Parliament is dissolved or adjourned, or
  - (b) during which both Houses are adjourned for more than 4 days.
- (7) The order ceasing to have effect does not affect—
  - (a) anything previously done under it, or

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*Status: This is the original version (as it was originally enacted).*

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(b) the making of a new order.

- (8) Where any order or regulations are subject to “negative resolution procedure” the statutory instrument containing the order or regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) Any provision that may be made by any order or regulations subject to negative resolution procedure may be included in an order or regulations subject to affirmative resolution procedure (in which case negative resolution procedure does not apply to the order or regulations).

## **90 Minor definitions**

In this Act—

“enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978,
  - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament,
  - (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation, and
  - (d) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales, and
- “OFCOM” means the Office of Communications.

## **91 Minor and consequential amendments**

- (1) Schedule 12 contains minor and consequential amendments (including repeals).
- (2) In that Schedule—  
Part 1 makes provision in relation to the Postal Services Act 2000,  
Part 2 makes provision in relation to the Communications Act 2003, and  
Part 3 makes provision in relation to other enactments.
- (3) The Secretary of State or the Treasury may by order make such other provision amending, repealing, revoking or otherwise modifying any enactment as they consider necessary or expedient in consequence of any provision made by this Act.
- (4) An order under subsection (3) is subject to negative resolution procedure.

## **92 Financial provisions**

There is to be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown or the Postal Services Commission by virtue of this Act, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

## **93 Short title, commencement and extent**

- (1) This Act may be cited as the Postal Services Act 2011.

- (2) The following provisions of this Act come into force on the day on which this Act is passed—
  - (a) section 43 and Schedule 4 (recovery of administrative charges incurred by OFCOM),
  - (b) section 66 and Schedule 9 (transitional provisions for Part 3) and the provisions mentioned in that Schedule (to the extent provided),
  - (c) sections 89 and 90,
  - (d) section 91(3) and (4),
  - (e) section 92,
  - (f) this section, and
  - (g) any other provisions of this Act so far as necessary for the purposes of any of the provisions mentioned above.
- (3) The remaining provisions of this Act come into force on such day as the Secretary of State may by order appoint (and different days may be appointed for different purposes).
- (4) The Secretary of State may by order make such transitional provision and savings as the Secretary of State considers necessary or expedient in connection with the commencement of any provision made by this Act.
- (5) Any amendment or repeal made by this Act has the same extent as the enactment to which it relates.
- (6) Subject to that, this Act extends to England and Wales, Scotland and Northern Ireland.