

SCHEDULES

SCHEDULE 12

Section 91

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

POSTAL SERVICES ACT 2000

- 1 The Postal Services Act 2000 is amended as follows.
- 2 Omit sections 1 and 3 to 5 (introductory).
- 3 Omit sections 6 to 41 (licences for postal services).
- 4 Omit sections 42 to 50 (the Postal Services Commission).
- 5 Omit sections 60 to 61A (the Postal Services Commission and the Council).
- 6 In section 62 (transfer of property etc to nominated company), omit subsections (1) to (5), (7) and (8).
- 7 For section 63 substitute—

“63 Power to direct issue of certain securities etc

- (1) This section applies to—
 - (a) a Post Office company,
 - (b) a Royal Mail company, or
 - (c) a company in the same group as a company within paragraph (a) or (b),that is wholly owned by the Crown.
- (2) The Secretary of State may direct a company to which this section applies to issue securities to—
 - (a) the Secretary of State or the Treasury (or to a nominee of either of them), or
 - (b) a parent company that is wholly owned by the Crown.
- (3) A direction must specify—
 - (a) the kind and amount of securities to be issued,
 - (b) the terms of issue, and
 - (c) the date at or by which the securities must be issued.
- (4) Any shares issued in pursuance of a direction under this section are to be—
 - (a) issued as fully paid, and
 - (b) treated for the purposes of the Companies Acts as if they had been paid up by virtue of payment of their nominal value in cash.

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- (5) A direction under this section may be given only with the consent of the Treasury.
- (6) Before giving a direction under this section, the Secretary of State must consult—
- (a) the company to whom the direction is to be given, and
 - (b) if the company has a parent company, its parent company (or, if it has more than one parent company, the parent company that does not itself have a parent company)."
- 8 (1) Section 64 (government investment in certain securities) is amended as follows.
- (2) In the heading, for **“the Post Office company and its subsidiaries”** substitute **“certain companies”**.
- (3) In subsection (1), for “the Post Office company or of any of its subsidiaries” substitute “—
- (a) a Post Office company,
 - (b) a Royal Mail company, or
 - (c) a company in the same group as a company within paragraph (a) or (b).”
- (4) After that subsection insert—
- “(1A) Securities acquired under this section may be held by a nominee.”
- (5) Omit subsection (3).
- 9 (1) Section 68 (loans by the Secretary of State to the Post Office company etc) is amended as follows.
- (2) In the heading, for **“the Post Office company and its subsidiaries”** substitute **“relevant companies”**.
- (3) In subsection (1), for “the Post Office company or any of its subsidiaries” substitute “a relevant company”.
- (4) After that subsection insert—
- “(1A) In this Part “relevant company” means—
- (a) a Post Office company,
 - (b) a Royal Mail company, or
 - (c) a company that is, or has at any time been, in the same group as a company within paragraph (a) or (b).”
- 10 (1) Section 69 (guarantees by the Secretary of State for the Post Office company etc) is amended as follows.
- (2) In the heading, for **“the Post Office company and its subsidiaries”** substitute **“relevant companies”**.
- (3) In subsection (1), for “the Post Office company or any of its subsidiaries” substitute “a relevant company”.
- (4) In subsection (3), for “the Post Office company or the subsidiary concerned” substitute “the relevant company”.

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

- 11 (1) Section 70 (extinguishment of certain liabilities) is amended as follows.
- (2) In subsections (1) and (2), for “the Post Office company or of any of its subsidiaries” substitute “a relevant company”.
- (3) For subsections (3) and (4) substitute—
- “(3) Before exercising a power under subsection (1) or (2), the Secretary of State must consult—
- (a) the relevant company, and
- (b) if the relevant company has a parent company, its parent company (or, if it has more than one parent company, the parent company that does not itself have a parent company).”
- 12 In section 71(1) and (2) (limit on loans and other arrangements with government), for “the Post Office company and any of its subsidiaries” substitute “relevant companies”.
- 13 (1) Section 72 (reserves of the Post Office company and its subsidiaries) is amended as follows.
- (2) In the heading, for “**the Post Office company and its subsidiaries**” substitute “**relevant companies**”.
- (3) In subsection (1)—
- (a) for “the Post Office company”, in the first place, substitute “a relevant company that does not have a parent company (“the relevant company)”, and
- (b) in paragraphs (a), (b) and (c), for “the Post Office company” substitute “the relevant company”.
- (4) For subsection (6) substitute—
- “(5A) No direction under this section may be given to, or in respect of, a company that is not wholly owned by the Crown.
- (6) Before giving a direction under this section to a company, the Secretary of State must consult the company.”
- 14 In section 73 (statutory accounts of the Post Office company), for “the Post Office company”, in each place, substitute “the original holding company”.
- 15 (1) Section 74 (further provisions relating to the capital structure of the Post Office company) is amended as follows.
- (2) In the heading, for “**the Post Office company**” substitute “**certain relevant companies**”.
- (3) In subsection (1), for “the Post Office company” substitute “a company within subsection (1A)”.
- (4) After that subsection insert—
- “(1A) A company is within this subsection if—
- (a) it is a relevant company,
- (b) it is wholly owned by the Crown, and
- (c) it does not have a parent company.”

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- (5) In subsection (3)—
- (a) for “The Post Office company” substitute “A company within subsection (1A)”, and
 - (b) at the end insert “(or their nominees)”.
- (6) In subsection (4), after “the Secretary of State” insert “(or a nominee of the Secretary of State)”.
- (7) In subsection (7)(b), for “the Post Office company” substitute “the relevant company”.
- 16 Omit section 75 (dissolution of the Post Office).
- 17 (1) Section 77 (publicity requirements for certain accounts and reports of the Post Office company) is amended as follows.
- (2) In the heading, omit “**of the Post Office company**”.
 - (3) Before subsection (1) insert—

“(A1) This section applies to—

 - (a) a relevant company that is wholly owned by the Crown and does not have a parent company, and
 - (b) the original holding company if it is wholly owned by the Crown.”
 - (4) In subsections (1) and (2), for “The Post Office company” substitute “A company to which this section applies”.
- 18 (1) Section 78 (information requirements on the Post Office company) is amended as follows.
- (2) In the heading, for “**the Post Office company**” substitute “**certain relevant companies**”.
 - (3) Before subsection (1) insert—

“(A1) This section applies to—

 - (a) a relevant company that is wholly owned by the Crown and does not have a parent company, and
 - (b) the original holding company if it is wholly owned by the Crown.”
 - (4) In subsection (1), for “, on or after the appointed day, serve notice on the Post Office company” substitute “serve notice on a company to which this section applies”.
- 19 Omit section 79 (exercise of functions through nominees).
- 20 In section 80(1) (shadow directors), for “the Post Office company” substitute “a relevant company any part of which is owned by the Crown”.
- 21 In section 82(1) (interpretation of Part 4)—
- (a) after the definition of “the appointed day” insert—

““the Companies Acts” has the meaning given by section 2 of the Companies Act 2006,
 “company” includes any body corporate,”
 - (b) for the definitions of “the Post Office company” and “relevant subsidiary” substitute—

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“any reference to a company being in the same “group” as another company is to be read in accordance with section 15(4) of the Postal Services Act 2011,

“the original holding company” has the meaning given by section 15 of the Postal Services Act 2011,

any reference to a company being a “parent” of another company is to be read in accordance with section 1162 of the Companies Act 2006,

“Post Office company” has the meaning given by section 6 of the Postal Services Act 2011,

“relevant company” has the meaning given by section 68(1A) of this Act,

“Royal Mail company” has the meaning given by section 2 of the Postal Services Act 2011,”

(c) omit the definition of “share rights”, and

(d) for the definition of “wholly owned by the Crown” substitute—

““wholly owned by the Crown” has the meaning given by section 15 of the Postal Services Act 2011.”

22 For the heading of Part 6 substitute “POSTAL SERVICES: SUPPLEMENTARY”.

23 (1) Section 89 (schemes as to terms and conditions for provision of a universal postal service) is amended as follows.

(2) In the heading, for “**a universal postal service**” substitute “**postal services**”.

(3) For subsection (1) substitute—

“(1) A postal operator may make a scheme under this section in relation to any or all of the postal services provided by the operator.”

(4) In subsection (2)—

(a) at the end of paragraph (a), insert “and”, and

(b) omit paragraph (c) (together with the “and” before it).

(5) In subsections (3)(a), (4)(a) and (7), for “the universal service provider concerned” substitute “the postal operator”.

24 After section 89 insert—

“89A Powers of OFCOM in relation to schemes

(1) A postal operator may not make a scheme under section 89 unless—

(a) the operator has notified OFCOM of the scheme that the operator is proposing to make, and

(b) the operator has carried out a consultation exercise in relation to the proposed scheme in accordance with requirements contained in a notification published by OFCOM.

(2) OFCOM may give a direction to a postal operator who has notified a scheme to them under subsection (1)(a) requiring the operator to make such modifications of the scheme as are specified in the direction.

(3) Before giving a direction under subsection (2), OFCOM must publish a notification—

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- (a) setting out the terms of the scheme that the operator proposes to make,
 - (b) stating that OFCOM are proposing to give a direction under subsection (2) modifying the scheme,
 - (c) setting out the effect of the proposed modification,
 - (d) giving reasons for making the proposed modification, and
 - (e) specifying the period within which representations may be made to them about the proposed modification.
- (4) The specified period must be at least one month beginning with the day after the day the notification under subsection (3) is published.
- (5) OFCOM may not give a direction under subsection (2) unless they have considered every representation and proposal made to them during the period specified in that notification.
- (6) If the scheme is not in force at the time at which that notification is published, the operator may not bring the scheme into force until such time as OFCOM may direct.
- (7) OFCOM must publish a notification of any direction that they make under subsection (2).
- (8) The publication of a notification under this section must be in such manner as OFCOM consider appropriate for bringing its contents to the attention of such persons as they consider appropriate.
- (9) An obligation imposed on a postal operator by a direction under subsection (2) is enforceable by OFCOM under Schedule 7 to the Postal Services Act 2011 (enforcement of regulatory requirements).”
- 25 (1) Section 90 (exclusion of liability) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) This section applies in relation to—
- (a) the provision by a universal service provider of a universal postal service, and
 - (b) the provision by a postal operator of a service in relation to which a scheme under section 89 (made by the operator) applies.
- (A2) In this section—
- (a) “the operator” means the universal service provider or the postal operator concerned, and
 - (b) “the service” means the service mentioned in subsection (A1)(a) or (b) (as the case may be).”
- (3) In subsection (1)—
- (a) for “a universal service provider” substitute “the operator”, and
 - (b) for “a universal postal service” substitute “the service”.
- (4) In subsection (2)—
- (a) for “a universal service provider” substitute “the operator”,
 - (b) for “the provider”, in both places, substitute “the operator”, and
 - (c) in paragraph (b), for “an inland packet” substitute “a postal packet”.

- (5) In subsection (3)—
- (a) for “the universal service provider concerned” substitute “the operator”,
 - (b) for “the provider” substitute “the operator”, and
 - (c) in paragraph (b), for “an inland packet” substitute “a postal packet”.
- 26 (1) Section 91 (limited liability for registered inland packets) is amended as follows.
- (2) In the heading, for “**registered inland packets**” substitute “**postal packets**”.
- (3) In subsection (1)—
- (a) for “a universal service provider” substitute “a postal operator”,
 - (b) for “an inland packet” substitute “a postal packet”, and
 - (c) for “the universal service provider” substitute “the operator”.
- (4) In subsection (2), for “the universal service provider” substitute “the postal operator”.
- (5) In subsection (4), for “universal service provider” substitute “postal operator”.
- (6) Omit subsection (6).
- 27 In section 93(2) (power to modify sections 89 to 92 of that Act), for “the Commission” substitute “OFCOM”.
- 28 (1) Section 97 (harbour charges on mail-bags) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “a universal service provider in connection with the provision of a universal postal service” substitute “a postal operator in connection with the provision of postal services”, and
 - (b) in paragraphs (b) and (c), for “such a provider in connection with the provision of such a service” substitute “a postal operator in connection with the provision of postal services”.
- (3) In subsection (2)(b), for “a universal service provider in connection with the provision of a universal postal service” substitute “a postal operator in connection with the provision of postal services”.
- 29 In section 98 (mail-bags not to be subject to control by harbour authorities)—
- (a) in paragraph (a), for “a universal service provider in connection with the provision of a universal postal service” substitute “a postal operator in connection with the provision of postal services”,
 - (b) in paragraph (b), for “such a provider in the provision of such a service” substitute “a postal operator in connection with the provision of postal services”,
 - (c) in paragraph (c), for “such a provider in connection with the provision of such a service” substitute “a postal operator in connection with the provision of postal services”, and
 - (d) in paragraph (d), for “a universal service provider in connection with the provision of a universal postal service” substitute “a postal operator in connection with the provision of postal services”.
- 30 In section 99 (common carriers)—
- (a) for “universal service provider” substitute “postal operator”, and
 - (b) for “a universal postal service” substitute “postal services”.

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- 31 (1) Section 100 (certain exemptions from postage etc.) is amended as follows.
- (2) Omit subsections (1) to (3).
- (3) In subsection (4)—
- (a) for “universal service provider” substitute “postal operator”, and
- (b) for “a universal postal service” substitute “postal services”.
- (4) In subsection (5), for “universal service provider” substitute “postal operator”.
- 32 (1) Section 101 (directions in interests of national security etc) is amended as follows.
- (2) In subsection (1), for the words from “such directions” to “functions” substitute “a direction to OFCOM in connection with the exercise of their functions relating to postal services”.
- (3) In subsection (2), for “the Commission” substitute “OFCOM”.
- (4) In subsection (3), for the words from “such directions” to the end substitute “a direction (relating to the provision of postal services) to—
- (a) a postal operator,
- (b) a description of postal operators, or
- (c) all postal operators.”
- (5) In subsection (4), for “licence holder” substitute “postal operator”.
- (6) In subsection (5), for “the Commission” substitute “OFCOM”.
- (7) For subsection (6) substitute—
- “(6) Before giving a direction under subsection (3) to a particular postal operator (as opposed to all postal operators or a description of them), the Secretary of State must consult the operator.”
- (8) In subsection (7)(a), for “the Commission” substitute “OFCOM”.
- 33 (1) Section 102 (power to ensure compliance with the Postal Services Directive) is amended as follows.
- (2) In subsection (1)(a)(i), for “a Community obligation” substitute “an EU obligation”.
- (3) In subsection (3)(a), for “the Commission” substitute “OFCOM”.
- 34 In section 104(3) (inviolability of mails)—
- (a) omit paragraphs (a) and (b), and
- (b) before paragraph (c) insert—
- “(ba) a power conferred by section 104A.”.
- 35 After section 104 insert—

“104A Power to detain packets in respect of unpaid or underpaid postage

- (1) A postal operator—
- (a) may detain any postal packet in respect of which there has been no payment, or an underpayment, for postage, and
- (b) may impose a surcharge in respect of that non-payment or underpayment.

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- (2) A postal operator may detain the packet until the correct postage and any surcharge have been paid.
- (3) OFCOM may give a direction to a postal operator—
 - (a) limiting the amount of any surcharge, and
 - (b) limiting the length of time for which a postal packet may be detained under subsection (2) (and, if a direction is given under this paragraph, that subsection has effect subject to the direction).
- (4) Where a direction is given to an operator limiting the amount of a surcharge, subsection (2) has effect in relation to the operator (in any case where the surcharge would otherwise exceed the amount specified in the direction) as if the surcharge were equal to the amount specified in the direction.
- (5) Before giving a direction to a postal operator under this section, OFCOM must—
 - (a) inform the operator that they propose to give it a direction, and
 - (b) allow the operator an opportunity to make representations about the proposal.”

36 In section 105 (application of customs and excise enactments to certain postal packets), after subsection (4) insert—

“(4A) A postal operator may detain a postal packet to which this section applies until any duties and charges in respect of the packet that are recoverable by virtue of subsection (3) have been paid.”

37 After section 105 insert—

“105A Section 105: limit on handling charges etc

- (1) OFCOM may give a direction to a postal operator—
 - (a) limiting the amount of any handling charge, and
 - (b) limiting the length of time for which a postal packet may be detained under section 105(4A) (and, if a direction is given under this paragraph, that subsection has effect subject to the direction).
- (2) Where a direction is given to an operator limiting the amount of a handling charge, section 105(3) to (4A) have effect in relation to the operator (in any case where the charge would otherwise exceed the amount specified in the direction) as if the charge were equal to the amount specified in the direction.
- (3) Before giving a direction to a postal operator under this section, OFCOM must—
 - (a) inform the operator that they propose to give it a direction, and
 - (b) allow the operator an opportunity to make representations about the proposal.
- (4) In this section “handling charge” means a charge payable to a postal operator, in respect of a postal packet, for the performance by the operator of all or any of the duties mentioned in section 105(2)(c).”

38 (1) Section 111 (exclusion of liability in relation to postal and money orders) is amended as follows.

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- (2) In subsection (1)—
 - (a) for “the Post Office company”, in the first place, substitute “a Post Office company”, and
 - (b) in paragraphs (a) and (b), for “the Post Office company” substitute “the company”.
- (3) In subsections (2) and (3), for “the Post Office company” substitute “a Post Office company”.
- (4) In subsection (4)—
 - (a) for “the Post Office company”, in the first place, substitute “a Post Office company”, and
 - (b) for “the Post Office company”, in the second place, substitute “the company”.
- (5) In subsection (5)—
 - (a) for “the Post Office company”, in the first place, substitute “a Post Office company”, and
 - (b) for “the Post Office company”, in the second place, substitute “the company”.
- (6) In subsection (6)—
 - (a) for “the Post Office company”, in the first place, substitute “a Post Office company”, and
 - (b) for “the Post Office company”, in the second and third places, substitute “the company”.
- (7) In subsection (7), for “the Post Office company” substitute “a Post Office company”.
- (8) After subsection (8) insert—

“(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.”
- 39 (1) Section 112 (schemes in relation to postal and money orders) is amended as follows.
 - (2) In subsections (1) and (2), for “The Post Office company” substitute “A Post Office company”.
 - (3) In subsections (5) and (8), for “the Post Office company” substitute “a Post Office company”.
- 40 (1) Section 113 (recoupment of losses on wrongly paid money orders) is amended as follows.
 - (2) In subsection (1)—
 - (a) in paragraph (a), for “the Post Office company” substitute “a Post Office company”, and
 - (b) in paragraph (b), for “the Post Office company” substitute “a Post Office company (“the company”)”.
 - (3) In subsection (2), for “the Post Office company” substitute “the company”.
- 41 (1) Section 114 (special arrangements with other countries or territories) is amended as follows.

- (2) In subsection (1), for “the Post Office company” substitute “a Post Office company”.
- (3) In subsection (2)—
 - (a) for “the Post Office company”, in the first place, substitute “a Post Office company”, and
 - (b) for “the Post Office company”, in the second place, substitute “the company”.
- 42 (1) Section 116 (the Postcode Address File) is amended as follows.
 - (2) In subsection (2), for “the Commission” substitute “OFCOM”.
 - (3) After that subsection insert—
 - “(2A) OFCOM may give a direction to the owner for the time being of the Postcode Address File requiring the owner—
 - (a) to issue, and comply with, a code of practice dealing with the making of revisions to the File, or
 - (b) to make such modifications of the code as are specified in the direction.
 - (2B) A direction under subsection (2A) is enforceable under Schedule 7 to the Postal Services Act 2011; but, where it is given to a person who is not providing a postal service, that Schedule has effect with the omission of paragraphs 7(2) and (3), 8(4) and 11.”
 - (4) After subsection (4) insert—
 - “(5) OFCOM may give a direction to the owner of the Postcode Address File as to the terms that may be imposed under subsection (1)(b).
 - (6) If it does so, no term that contravenes the direction may be imposed under that provision.”
- 43 Omit section 117 (records of the former Postmaster General’s department).
- 44 Omit section 118 (supplementary provisions about the Council).
- 45 Omit section 119 (general restriction on disclosure of information).
- 46 (1) Section 122 (orders and regulations) is amended as follows.
 - (2) In subsection (3), omit “9, 10,”.
 - (3) In subsection (5), omit “8,”.
 - (4) In subsection (10), omit “10, 38(8), 58(7), 59(2),” and “, paragraph 4 of Schedule 7”.
 - (5) In subsection (12), omit “8, 9, 30(2),”.
- 47 In section 123 (directions), at the end insert—
 - “(4) OFCOM may give a direction under this Act only if they are satisfied that the direction—
 - (a) is objectively justifiable,
 - (b) does not discriminate unduly against particular persons or a particular description of persons,
 - (c) is proportionate to what it is intended to achieve, and

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(d) is transparent in relation to what it is intended to achieve.”

48 In section 124(1) (general financial provision), omit paragraph (a).

49 (1) Section 125(1) (interpretation) is amended as follows.

(2) After the definition of “notice” insert—

““OFCOM” means the Office of Communications,”.

(3) For the definition of “postal operator” substitute—

““postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 27(3) to (5) of that Act),”.

(4) In the definition of “the Postal Services Directive”, for the words from “implementation” to the end substitute “improvement of quality of service, as amended from time to time,”.

(5) After the definition of “public holiday” insert—

““public post office” means any post office from which any postal services are provided directly to the public (whether or not together with other services),”.

(6) After the definition of “subordinate legislation” insert—

“references to the provision of a “universal postal service” are to be read in accordance with sections 30 to 33 and section 65(3) of the Postal Services Act 2011,

“universal postal service letter box” has the meaning given by section 86 of this Act,

“universal postal service post office” has the meaning given by that section,

“universal service provider” has the meaning given by section 65(1) of the Postal Services Act 2011,”.

50 Omit section 126 (index).

51 Omit Schedule 1 (the Postal Services Commission).

52 (1) Schedule 3 (transfer to the Post Office company: supplementary provisions) is amended as follows.

(2) Omit paragraphs 6(1), 7, 9 and 10.

(3) In the other provisions, for “the Post Office company”, in each place, substitute “the original holding company”.

53 In Schedule 4 (transfer to the Post Office company: tax), omit paragraphs 5 and 9.

54 (1) Schedule 5 (acquisition of land) is amended as follows.

(2) In paragraph 1(1), for “required for any purpose in connection with the provision of a universal postal service” substitute “where it is necessary to do so for the purpose of providing a universal postal service”.

(3) In paragraph 2(1), for “required for any purpose in connection with the provision of a universal postal service” substitute “where it is necessary to do so for the purpose of providing a universal postal service”.

(4) In paragraph 3(1), for paragraphs (a) and (b) substitute—

- “(a) which it is necessary to acquire for the purpose of providing a universal postal service, or
- (b) as to which it can reasonably be foreseen that it will be so necessary.”.

55 Omit Schedule 7 (disclosure of information).

PART 2

COMMUNICATIONS ACT 2003

56 The Communications Act 2003 is amended as follows.

57 In section 3 (general duties of OFCOM), after subsection (6) insert—

“(6A) Where it appears to OFCOM, in relation to the carrying out of any of their functions in relation to postal services, that any of their general duties conflict with their duty under section 29 of the Postal Services Act 2011 (duty to secure provision of universal postal service), priority must be given to their duty under that section.”

58 In section 14 (consumer research), after subsection (6) insert—

“(6A) OFCOM must make arrangements for ascertaining—

- (a) the state of public opinion from time to time about the way in which postal services are provided;
- (b) the experiences of consumers in the markets for postal services, in relation to the way in which those services are provided;
- (c) the experiences of such consumers in relation to the handling, by persons providing postal services, of complaints made to them by such consumers;
- (d) the experiences of such consumers in relation to the resolution of disputes with persons providing postal services;
- (e) the interests and experiences of such consumers in relation to matters that are incidental to or otherwise connected with their experiences of the provision of postal services.”

59 (1) Section 16 (consumer consultation) is amended as follows.

(2) In subsection (1)(b), at the end insert “(other than postal services)”.

(3) In subsection (3)—

- (a) in paragraph (c), for “any such services or facilities” substitute “a service or facility mentioned in subsection (4)(a) to (e)”, and
- (b) in paragraph (e), for “such services or facilities” substitute “services or facilities mentioned in subsection (4)”.

(4) In subsection (4)—

- (a) omit “and” at the end of paragraph (d), and
- (b) after paragraph (e) insert—
 - “(f) postal services.”

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

- (5) In subsection (13), in paragraph (a) of the definition of “domestic and small business consumer”, for “any such services or facilities” substitute “a service or facility mentioned in subsection (4)(a) to (e)”.
- 60 (1) Section 22(5) (representation on international and other bodies) is amended as follows.
- (2) In the definition of “communication functions”, omit the “and” at the end of paragraph and after that paragraph insert—
“ (ba) functions relating to postal services; and”.
- (3) In the definition of “international meetings about communication”, after paragraph (b) insert—
“ (ba) the regulation of postal services;”.
- 61 (1) Section 26 (publication of information and advice for consumers etc) is amended as follows.
- (2) In subsection (2)—
- (a) omit the “and” at the end of paragraph (c), and
 - (b) after paragraph (d) insert—
“(e) the customers of persons who provide postal services.”
- (3) After that subsection insert—
“(2A) In subsection (2)(e) the reference to customers of persons who provide postal services includes—
- (a) persons who wish to be provided with such services,
 - (b) persons who are likely to seek to be provided with such services, and
 - (c) addressees.”
- 62 In section 369(1) (matters in relation to which OFCOM have competition functions), after paragraph (e) insert—
“(f) the provision of postal services.”
- 63 (1) Section 370 (OFCEM’s functions under Part 4 of the Enterprise Act 2002) is amended as follows.
- (2) In subsection (11), for “section 3 does not” substitute “section 3 of this Act (general duties) and section 29 of the Postal Services Act 2011 (duty to secure provision of universal postal service) do not”.
- (3) In subsection (12), for “section 3(1) to (4)” substitute “section 3(1) to (4) of this Act or section 29 of the Postal Services Act 2011”.
- 64 (1) Section 371 (OFCEM’s functions under Competition Act 1998) is amended as follows.
- (2) In subsection (11), for “section 3 does not” substitute “section 3 of this Act (general duties) and section 29 of the Postal Services Act 2011 (duty to secure provision of universal postal service) do not”.
- (3) In subsection (12), for “section 3(1) to (4)” substitute “section 3(1) to (4) of this Act or section 29 of the Postal Services Act 2011”.
- 65 In section 394(2) (service of notifications and other documents)—

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

- (a) omit the “and” at the end of paragraph (e), and
 - (b) at the end insert—
 - “(g) Part 3 of the Postal Services Act 2011.”
- 66 In section 400(1) (destination of licence fees and penalties), at the end insert—
“(i) an amount paid to OFCOM in respect of a penalty imposed by them under Part 3 of the Postal Services Act 2011.”
- 67 In section 404(4) (criminal liability of company directors etc.)—
- (a) omit the “or” at the end of paragraph (d), and
 - (b) at the end insert “; or”
 - (f) Part 3 of the Postal Services Act 2011.”
- 68 (1) Section 405 (general interpretation) is amended as follows.
- (2) In subsection (1), after the definition of “other member State” insert—
““postal services” has the meaning given by section 27 of the Postal Services Act 2011;”.
 - (3) After subsection (5) insert—
“(5A) References in this Act to consumers in a market for a service include, where the service is a postal service, addressees.”
- 69 In Schedule 16, omit paragraph 6 (which made amendments superseded by this Act).
- 70 In Schedule 17, omit paragraph 162(3) (which made amendments superseded by this Act).

PART 3

OTHER ENACTMENTS

Commissioners Clauses Act 1847

- 71 In section 99 of the Commissioners Clauses Act 1847 (services of notices upon commissioners)—
- (a) omit “(within the meanings given by the Postal Services Act 2000)”, and
 - (b) at the end insert—
“In this section “post office” has the meaning given by section 125(1) of the Postal Services Act 2000 and “postal operator” has the meaning given by section 27 of the Postal Services Act 2011.”

Improvement of Land Act 1864

- 72 In section 7 of the Improvement of Land Act 1864 (services of notices on other persons), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

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

Bills of Exchange Act 1882

- 73 In section 2 of the Bills of Exchange Act 1882 (interpretation of terms), in the definition of “postal operator”, for “section 125(1) of the Postal Services Act 2000” substitute “section 27 of the Postal Services Act 2011”.

Congested Districts (Scotland) Act 1897

- 74 In section 4(1)(f) of the Congested Districts (Scotland) Act 1897 (application of money at disposal of Commissioners), for the words from “within the power” to “to grant under guarantee” substitute “within the power of a Post Office company (within the meaning of Part 1 of the Postal Services Act 2011) to grant under guarantee”.

Law of Property Act 1925

- 75 In section 196(4) of the Law of Property Act 1925 (regulations respecting notices), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

Execution of Diligence (Scotland) Act 1926

- 76 In section 2(2)(e) of the Execution of Diligence (Scotland) Act 1926 (execution of arrestment or charge by registered letter in certain cases)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “the Postal Services Act 2000”.

Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

- 77 In section 7(1) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (interpretation), in the definition of “statutory undertakers”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

London County Council (General Powers) Act 1957

- 78 In section 89 of the London County Council (General Powers) Act 1957 (Crown rights)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”,
 - (b) for “that Act” substitute “that Part”, and
 - (c) at the end insert—

“This section applies to a universal service provider only if the provider is a company and at least half of its issued share capital is owned by the Crown (within the meaning of Part 1 of the Postal Services Act 2011).”

Opencast Coal Act 1958

- 79 The Opencast Coal Act 1958 is amended as follows.

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

- 80 In section 51(1) (interpretation), in the definitions of “statutory undertakers” and “statutory undertaking”, for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.
- 81 In section 52(2) (application to Scotland), in the definitions of “statutory undertakers” and “statutory undertaking”, for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

Public Records Act 1958

- 82 (1) Schedule 1 to the Public Records Act 1958 (definition of public records) is amended as follows.
- (2) Omit—
- (a) the entry relating to the Post Office, and
 - (b) the entry relating to the Post Office company.
- (3) At the appropriate places insert the following entries—
- “The company that was nominated under section 62 of the Postal Services Act 2000 (reorganisation of the Post Office: transfer of property etc to nominated company).”
 - “A Post Office company within the meaning of Part 1 of the Postal Services Act 2011.”
 - “A Royal Mail company within the meaning of Part 1 of the Postal Services Act 2011.”
- 83 (1) A relevant company must consult the Keeper of Public Records before it alters in any significant respect any arrangements it has made for the preservation of any of its public records.
- (2) “Relevant company” means a company an entry for which is inserted (or re-inserted) into Schedule 1 to the Public Records Act 1958 as a result of provision made by or under paragraph 82(3) or 84(1).
- (3) “Public records” means records that are public records for the purposes of that Act.
- 84 (1) The Lord Chancellor may by order amend Schedule 1 to the Public Records Act 1958 so as—
- (a) to omit any of the entries inserted into that Schedule by paragraph 82(3) above, or
 - (b) to re-insert any such entry into that Schedule (if it has been omitted as a result of a previous exercise of the power conferred by this sub-paragraph).
- (2) The provision that, as a result of section 89(2)(a), may be made by an order under sub-paragraph (1) that omits an entry for a company includes, in particular, provision for—
- (a) the Public Records Act 1958, and
 - (b) paragraph 83 above,
- to continue to apply to the company in respect of such of its records as were public records for the purposes of that Act immediately before the order comes into force.
- (3) An order under sub-paragraph (1) may be made only if the Secretary of State has consented to the making of the order.
- (4) An order under sub-paragraph (1) is subject to negative resolution procedure.

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

City of London (Various Powers) Act 1967

- 85 In section 4 of the City of London (Various Powers) Act 1967 (interpretation of Part 2), in the definition of “statutory undertakers”, for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

Forestry Act 1967

- 86 In section 40(2)(e) of the Forestry Act 1967 (descriptions of land not subject to compulsory purchase)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Parliamentary Commissioner Act 1967

- 87 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), omit the entry relating to the Postal Services Commission.

National Loans Act 1968

- 88 In section 12(5)(a) of the National Loans Act 1968 (Treasury’s borrowing powers)—
- (a) for the words from “the Post Office company”, in the first place, to “the Post Office company”, in the second place, substitute “a Post Office company (within the meaning of Part 1 of the Postal Services Act 2011)”, and
 - (b) for “the Post Office company or any such subsidiary” substitute “such a company”.

Greater London Council (General Powers) Act 1969

- 89 In section 9 of the Greater London Council (General Powers) Act 1969 (interpretation of Part 3), in the definition of “statutory undertakers”, for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

Post Office Act 1969

- 90 The Post Office Act 1969 is amended as follows.
- 91 (1) Section 139 (application to Northern Ireland) is amended as follows.
- (2) In subsection (3)—
 - (a) omit, in each place, “(within the meaning of the Postal Services Act 2000)”, and
 - (b) omit, in each place, “(within the meaning of that Act)”.
 - (3) After that subsection insert—

“(3A) In subsection (3) “universal service provider” and “universal postal service” have the same meaning as in Part 3 of the Postal Services Act 2011.”
- 92 (1) Paragraph 93 of Schedule 4 (adaptation of enactments etc) is amended as follows.
- (2) Omit, in each place, “(within the meaning of the Postal Services Act 2000)”.
 - (3) In sub-paragraph (1), omit “(within the meaning of the Act)”.

(4) After sub-paragraph (4) insert—

“(4A) In this paragraph “universal service provider” and “universal postal service” have the same meaning as in Part 3 of the Postal Services Act 2011.”

Greater London Council (General Powers) Act 1970

93 The Greater London Council (General Powers) Act 1970 is amended as follows.

94 In section 11(6) (miscellaneous amendments), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

95 In section 15(6)(b) (licence to erect scaffolding), in the definition of “statutory undertakers”, for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

Pensions (Increase) Act 1971

96 (1) Schedule 3 to the Pensions (Increase) Act 1971 (further administrative, incidental and consequential provisions) is amended as follows.

(2) In paragraph 3, for “the Post Office company”, in each place, substitute “the original holding company”.

(3) For paragraph 3A substitute—

“3A In paragraph 3 “the original holding company” has the meaning given by section 15 of the Postal Services Act 2011.”

Control of Pollution Act 1974

97 In section 73(1) of the Control of Pollution Act 1974 (interpretation), in the definition of “statutory undertakers”—

(a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and

(b) for “that Act” substitute “that Part”.

Solicitors Act 1974

98 In paragraph 10(8) of Schedule 1 to the Solicitors Act 1974 (mail and other forms of communication), for “section 125(1) of the Postal Services Act 2000” substitute “section 27 of the Postal Services Act 2011”.

House of Commons Disqualification Act 1975

99 (1) Schedule 1 to the House of Commons Disqualification Act 1975 is amended as follows.

(2) In Part 2 (bodies of which all members are disqualified), omit the entry relating to the Postal Services Commission.

(3) In Part 3 (other disqualifying offices), for the entry relating to a director of the Post Office company substitute—

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

“Director of any of the following, being a director appointed or nominated by a Minister of the Crown or by a person acting on behalf of the Crown—

- (a) a Post Office company,
- (b) a Royal Mail company,
- (c) the original holding company, and
- (d) a parent company of a company within any of paragraphs (a) to (c).

Expressions used in paragraphs (a) to (d) have the same meaning as in Part 1 of the Postal Services Act 2011.”

Northern Ireland Assembly Disqualification Act 1975

100 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices), after the entry relating to a director of the National Building Agency insert—

“Director of any of the following, being a director appointed or nominated by a Minister of the Crown or by a person acting on behalf of the Crown—

- (a) a Post Office company,
- (b) a Royal Mail company,
- (c) the original holding company, and
- (d) a parent company of a company within any of paragraphs (a) to (c).

Expressions used in paragraphs (a) to (d) have the same meaning as in Part 1 of the Postal Services Act 2011.”

Welsh Development Agency Act 1975

101 In section 27(1) of the Welsh Development Agency Act 1975 (interpretation), in the definition of “universal service provider”—

- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
- (b) for “that Act” substitute “that Part”.

Local Government (Miscellaneous Provisions) Act 1976

102 In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation etc of Part 1), in the definition of “universal service provider”—

- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
- (b) for “that Act” substitute “that Part”.

Ancient Monuments and Archaeological Areas Act 1979

103 In section 61(1) of the Ancient Monuments and Archaeological Areas Act 1979 (interpretation), in the definition of “universal postal service provider”—

- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
- (b) for “that Act” substitute “that Part”.

Highways Act 1980

- 104 In section 329(1) of the Highways Act 1980 (further provision as to interpretation), in the definition of “universal service provider”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Local Government, Planning and Land Act 1980

- 105 The Local Government, Planning and Land Act 1980 is amended as follows.
- 106 In section 120(3) (compulsory acquisition: exclusion of special parliamentary procedure), in paragraph (b) of the definition of “statutory undertakers”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.
- 107 In section 141(6A) (vesting by order in corporation), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.
- 108 In section 170(2B) (interpretation: statutory undertakers etc)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.
- 109 In paragraph 11(7) of Schedule 28 (urban development corporations: land)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Acquisition of Land Act 1981

- 110 In section 7(1) of the Acquisition of Land Act 1981 (interpretation), in the definition of “universal service provider”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Forgery and Counterfeiting Act 1981

- 111 In section 8(3A) of the Forgery and Counterfeiting Act 1981 (meaning of “instrument”), for “the same meaning as in the Postal Services Act 2000” substitute “the meaning given by section 27 of the Postal Services Act 2011”.

Greater London Council (General Powers) Act 1981

- 112 In section 18 of the Greater London Council (General Powers) Act 1981 (stopping up of streets), in subsections (3), (8) and (9)(a)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

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

New Towns Act 1981

- 113 In section 80(1) of the New Towns Act 1981 (general interpretation provisions), in the definition of “universal postal service provider”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Civil Aviation Act 1982

- 114 In section 105(1) of the Civil Aviation Act 1982 (general interpretation), in the definition of “universal service provider”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Mental Health Act 1983

- 115 In section 134(9) of the Mental Health Act 1983 (correspondence of patients), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011 (see section 27)”.

Representation of the People Act 1983

- 116 The Representation of the People Act 1983 is amended as follows.
- 117 In section 91(candidate’s right to send election address post free)—
- (a) in subsections (1) to (3), in each place, for “universal service provider” substitute “universal postal service provider”, and
 - (b) omit subsection (5).
- 118 In section 184(2) (service of notices), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”
- 119 In section 200A (remuneration for free postal services provided under Act)—
- (a) in subsections (1) to (3), for “universal service provider” substitute “universal postal service provider”, and
 - (b) for subsection (4) substitute—

“(4) In this section “postal services” has the meaning given by section 27 of the Postal Services Act 2011.”
- 120 In section 202(1) (interpretation), in the definition of “universal postal service provider”, for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.
- 121 In paragraph 51(3) of Schedule 1 (return to the writ), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

Building Act 1984

- 122 In section 126 of the Building Act 1984 (general interpretation), in the definition of “statutory undertakers”, for the words from “(within the meaning of the Postal Services Act 2000)” to the end substitute “(within the meaning of Part 3 of the Postal

Services Act 2011) or a relevant company (within the meaning of Part 4 of the Postal Services Act 2000)”.

Administration of Justice Act 1985

- 123 In paragraph 10(8) of Schedule 5 to the Administration of Justice Act 1985 (redirection of communications), for “section 125(1) of the Postal Services Act 2000” substitute “section 27 of the Postal Services Act 2011”.

Insolvency Act 1986

- 124 The Insolvency Act 1986 is amended as follows.
- 125 In section 371(1) (re-direction of bankrupt’s letters etc), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.
- 126 In paragraph 10(1) of Schedule 2A (exceptions to prohibition on appointment of administrative receiver: supplementary provisions)—
- (a) in paragraph (g), for “given by section 4(3) and (4) of the Postal Services Act 2000 (c. 26)” substitute “of Part 3 of the Postal Services Act 2011”,
 - (b) for paragraph (h) substitute—
 - “(h) by a Post Office company within the meaning of Part 1 of that Act,”, and
 - (c) omit paragraph (i).

Housing (Scotland) Act 1987

- 127 In section 338(1) of the Housing (Scotland) Act 1987 (interpretation), in the definition of “public undertakers”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Housing Act 1988

- 128 The Housing Act 1988 is amended as follows.
- 129 In section 76(6A) (vesting by order in housing action trust), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.
- 130 In paragraph 9(7) of Schedule 10 (housing action trusts: land)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Local Government Finance Act 1988

- 131 In section 43(6D) of the Local Government Finance Act 1988 (occupied hereditaments: liability)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

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

Planning (Hazardous Substances) Act 1990

- 132 In section 39(6) of the Planning (Hazardous Substances) Act 1990 (interpretation)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Planning (Listed Buildings and Conservation Areas) Act 1990

- 133 In section 91(3B) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (interpretation)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Town and Country Planning Act 1990

- 134 In section 336(1) of the Town and Country Planning Act 1990 (interpretation), in the definition of “universal postal service provider”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Coal Mining Subsidence Act 1991

- 135 In section 52(1) of the Coal Mining Subsidence Act 1991 (interpretation), in the definition of “universal service provider”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Land Drainage Act 1991

- 136 In paragraph 1(1A) of Schedule 6 to the Land Drainage Act 1991 (protection for particular undertakings)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Water Industry Act 1991

- 137 In paragraph 1(5A) of Schedule 13 to the Water Industry Act 1991 (protective provisions in respect of certain undertakings)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Water Resources Act 1991

- 138 In paragraph 1(4A) of Schedule 22 to the Water Resources Act 1991 (protection for particular undertakings)—

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

- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
- (b) for “that Act” substitute “that Part”.

Social Security Administration Act 1992

- 139 The Social Security Administration Act 1992 is amended as follows.
- 140 In section 182A(1) and (5)(b) (return of social security post), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.
- 141 In section 182B(8) (requirement to supply information about redirection of post)—
- (a) in the definition of “postal operator”, for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) in the definition of “postal packet”, for the words from “meaning” to the end substitute “meaning as in that Part”.

Social Security Administration (Northern Ireland) Act 1992

- 142 The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.
- 143 In section 158A(1) and (5)(b) (return of social security post), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.
- 144 In section 158B(8) (requirement to supply information about redirection of post)—
- (a) in the definition of “postal operator”, for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) in the definition of “postal packet”, for the words from “meaning” to the end substitute “meaning as in that Part”.

Taxation of Chargeable Gains Act 1992

- 145 In section 288(3A) of the Taxation of Chargeable Gains Act 1992 (meaning of “the no gain/no loss provisions”), at the end insert—
- “(1) paragraph 1(2) or 4 of Schedule 2 to the Postal Services Act 2011.”

Criminal Procedure (Scotland) Act 1995

- 146 In section 307(1) of the Criminal Procedure (Scotland) Act 1995 (interpretation of terms), in the definition of “postal operator”, for “section 125(1) of the Postal Services Act 2000” substitute “section 27 of the Postal Services Act 2011”.

Merchant Shipping Act 1995

- 147 In section 30(10) of the Merchant Shipping Act 1995 (payment of seamen’s wages), for “the Post Office company (within the meaning of Part IV of the Postal Services Act 2000), for that amount was despatched by the recorded delivery service” substitute “a Post Office company (as defined by section 6 of the Postal Services Act 2011), for that amount was despatched by a recorded delivery service”.

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

Local Government and Rating Act 1997

- 148 In paragraph 3(4)(a) of Schedule 2 to the Local Government and Rating Act 1997 (relief from non-domestic rates for general stores etc in rural settlements: Scotland)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Planning (Hazardous Substances) (Scotland) Act 1997

- 149 In section 38(5) of the Planning (Hazardous Substances) (Scotland) Act 1997 (interpretation)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

- 150 In section 81(3B) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (interpretation)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Town and Country Planning (Scotland) Act 1997

- 151 In section 277(1) of the Town and Country Planning (Scotland) Act 1997 (interpretation), in the definition of “universal postal service provider”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Competition Act 1998

- 152 In paragraph 19A(9) of Schedule 7 to the Competition Act 1998 (performance of the Commission’s general functions), in the definition of “special reference group”, omit paragraph (l).

Northern Ireland Act 1998

- 153 In section 76(7)(g) of the Northern Ireland Act 1998 (discrimination by public authorities)—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Regional Development Agencies Act 1998

- 154 In section 19(8A) of the Regional Development Agencies Act 1998 (vesting of land by order), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

Greater London Authority Act 1999

- 155 In section 17A(3) of the Greater London Authority Act 1999 (free delivery of election addresses), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

Countryside and Rights of Way Act 2000

- 156 In paragraph 14(1) of Schedule 1 to the Countryside and Rights of Way Act 2000 (excepted land for purposes of Part 1: interpretation), in paragraph (e) of the definition of “statutory undertaker” and paragraph (a) of the definition of “statutory undertaking”—
- (a) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (b) for “that Act” substitute “that Part”.

Freedom of Information Act 2000

- 157 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: other public bodies and offices), omit the entry relating to the Post Office.

Political Parties, Elections and Referendums Act 2000

- 158 In paragraph 1(4) of Schedule 12 to the Political Parties, Elections and Referendums Act 2000 (assistance available to designated organisations: right to send referendum address post free), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.

Regulation of Investigatory Powers Act 2000

- 159 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 160 In section 82(3) (powers of postal operators not affected by Act), for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”.
- 161 In Part 2 of Schedule 1 (relevant authorities for purposes of section 28 only)—
- (a) omit paragraph 28D (together with the heading before it), and
 - (b) in paragraph 28E—
 - (i) for “the Postal Services Act 2000” substitute “Part 3 of the Postal Services Act 2011”, and
 - (ii) for “that Act” substitute “that Part”.

Anti-terrorism, Crime and Security Act 2001

- 162 In Schedule 4 to the Anti-terrorism, Crime and Security Act 2001 (enactments to which section 17 of Act applies)—
- (a) omit paragraph 51, and
 - (b) at the end insert—

“53D Section 56(2) of the Postal Services Act 2011.”

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

Enterprise Act 2002

- 163 The Enterprise Act 2002 is amended as follows.
- 164 (1) Section 168 (regulated markets) is amended as follows.
- (2) In subsection (3)—
- (a) omit paragraph (l) (together with the “or” at the end of it), and
 - (b) at the end insert—
 - “(o) modifying regulatory conditions imposed under Part 3 of the Postal Services Act 2011;”.
- (3) In subsection (4)—
- (a) omit paragraph (n) (together with the “and” at the end of it), and
 - (b) at the end insert—
 - “(q) in relation to regulatory conditions imposed under Part 3 of the Postal Services Act 2011, the duty of the Office of Communications under section 29 of that Act;”.
- (4) In subsection (5), omit paragraph (h).
- 165 In Schedule 9, omit paragraph 14 (which made an amendment superseded by this Act).
- 166 In Schedule 15 to the Enterprise Act 2002 (information: enactments conferring functions), at the end insert—
“Postal Services Act 2011.”
- 167 In Schedule 25, omit paragraph 42 (which made an amendment superseded by this Act).

Office of Communications Act 2002

- 168 In paragraph 12(2) of the Schedule to the Office of Communications Act 2002 (OFCOM’s annual report), omit the “and” at the end of paragraph (a) and after that paragraph insert—
“(aa) a report about OFCOM’s performance, during that year, of their duty under section 29 of the Postal Services Act 2011 (duty to secure provision of universal postal service); and”.

Railways and Transport Safety Act 2003

- 169 In Schedule 2 to the Railways and Transport Safety Act 2003, omit paragraph 19(r) (which made amendments superseded by this Act).

Water Act 2003

- 170 In Schedule 7 to the Water Act 2003, omit paragraph 33 (which made amendments superseded by this Act).

London Local Authorities Act 2004

- 171 In section 13(3) of the London Local Authorities Act 2004 (defacement of buildings: protection of universal postal service providers)—

- (a) for “the Postal Services Act 2000 (c. 26)” substitute “Part 3 of the Postal Services Act 2011”, and
- (b) for “section 86(4) of that Act” substitute “section 86(4) of the Postal Services Act 2000”.

Gambling Act 2005

- 172 In Schedule 16 to the Gambling Act 2005, omit paragraph 15 (which made amendments superseded by this Act).

Railways Act 2005

- 173 In Schedule 12 to the Railways Act 2005, omit paragraph 15 (which made amendments superseded by this Act).

Legislative and Regulatory Reform Act 2006

- 174 In section 24(5) of the Legislative and Regulatory Reform Act 2006 (functions to which sections 21 and 22 apply), omit paragraph (d).

Consumer, Estate Agents and Redress Act 2007

- 175 The Consumers, Estate Agents and Redress Act 2007 is amended as follows.
- 176 In the following provisions (which relate to postal services in Northern Ireland), for “relevant postal services” substitute “postal services”—
- section 2(1)(c)(ii),
 - section 3(2)(b) and (4)(a),
 - section 4(1)(b) and (5)(b),
 - section 5(4)(b), and
 - section 38(2)(c).
- 177 (1) Section 15 (reference of matters to the Postal Services Commission) is amended as follows.
- (2) For the heading substitute “**Reference of postal matters to OFCOM**”.
 - (3) In subsection (1)—
 - (a) in the opening words, for “the Postal Services Commission (“the Commission”)” substitute “the Office of Communications (“OFCOM”)", and
 - (b) in paragraph (a), for “a condition of a licence under Part 2 of the Postal Services Act 2000” substitute “a regulatory condition imposed under Part 3 of the Postal Services Act 2011”.
 - (4) In subsection (2), for “the Commission”, in both places, substitute “OFCOM”.
- 178 In section 16(2) (investigations relating to public post offices), for “section 42(3)” substitute “section 125(1)”.
- 179 In section 24(9) (provision of information: definitions), in the definition of “designated regulator”, for paragraph (b) substitute—
- “(b) the Office of Communications;”.
- 180 (1) Section 25 (enforcement by regulator of section 24 notice) is amended as follows.

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

- (2) In subsection (3), in the table, for the entry relating to a person holding a licence under Part 2 of the Postal Services Act 2000 substitute—
- | | |
|---------------------|--------------------------------|
| “A postal operator. | The Office of Communications.” |
|---------------------|--------------------------------|
- (3) After subsection (6) insert—
- “(6A) An obligation imposed by virtue of subsection (5) on a postal operator is enforceable by OFCOM under Schedule 7 to the Postal Services Act 2011 (enforcement of regulatory requirements).”
- 181 In section 29(3)(b) (disclosure of information: application of Part 9 of the Enterprise Act 2002), for “the Postal Services Act 2000” substitute “the Postal Services Act 2011”.
- 182 (1) Section 41 (interpretation of Part 1) is amended as follows.
- (2) At the appropriate place insert—
- ““postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 65 of that Act);”.
- (3) In the definition of “postal services”, for “Postal Services Act 2000 (see section 125(1) of that Act)” substitute “Part 3 of the Postal Services Act 2011 (see section 65 of that Act)”.
- (4) Omit the definition of “relevant postal services”.
- 183 In section 42 (interpretation of Part 2), omit the entry relating to a person holding a licence under Part 2 of the Postal Services Act 2000.
- 184 (1) Section 45 (information with respect to compliance with complaints handling standards) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) This section also applies in relation to standards for the handling of complaints made about postal operators by users of their services which are contained in consumer protection conditions imposed under Part 3 of the Postal Services Act 2011.”
- (3) In subsection (2), after “providers” insert “or postal operators”.
- 185 In section 52, omit subsection (4) (which made amendments superseded by this Act).
- 186 In section 60(10) (orders and regulations: meaning of “regulator”), omit paragraph (b) (together with the “or” before it).
- 187 In section 65 (extent), omit subsections (4) and (5).
- 188 Omit the following provisions (which made amendments superseded by this Act)—
- (a) paragraphs 30 and 31 of Schedule 1,
 - (b) paragraph 3 of Schedule 2,
 - (c) paragraph 3 of Schedule 5, and
 - (d) paragraphs 12 to 16 of Schedule 7.

Legal Services Act 2007

- 189 In paragraph 11(9) of Schedule 14 to the Legal Services Act 2007 (mail and other forms of communication), for “section 125(1) of the Postal Services Act 2000 (c. 26)” substitute “section 27 of the Postal Services Act 2011”.

London Local Authorities Act 2007

- 190 In section 75 of the London Local Authorities Act 2007 (mail forwarding businesses), for subsection (11) substitute—
- “(11) Nothing in subsection (1) or (6) above shall apply to—
- (a) a postal operator providing a service within the scope of the universal postal service (within the meaning of Part 3 of the Postal Services Act 2011), or
 - (b) a Post Office company (within the meaning of Part 1 of that Act).”

Regulatory Enforcement and Sanctions Act 2008

- 191 (1) Section 73 of the Regulatory Enforcement and Sanctions Act 2008 (functions to which section 72 applies) is amended as follows.
- (2) In subsection (2), for paragraph (d) (together with the “and” at the end of it) substitute—
- “(d) the Office of Communications in relation to postal services, and”.
- (3) After subsection (10) insert—
- “(10A) In subsection (2)(d) “postal services” has the same meaning as in Part 3 of the Postal Services Act 2011.”