

STATUTORY INSTRUMENTS

1973 No. 960

POST OFFICE

The Postal Services (Isle of Man Consequential Provisions)

Order 1973

Made - - - 24th May 1973
Coming into Operation 5th July 1973

At the Court at Buckingham Palace, the 24th day of May 1973

Present,

The Queen's Most Excellent Majesty in Council

Whereas an agreement has been concluded between the Minister of Posts and Telecommunications and the Government of the Isle of Man providing for the surrender by the Post Office, as regards the Isle of Man, of the privilege conferred on the Post Office by section 3 of the Post Office Act 1953(a) and the administration in that Island of postal services by, or under the authority of, the Government of the Island instead of by the Post Office:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 87(1) of the Post Office Act 1969(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Postal Services (Isle of Man Consequential Provisions) Order 1973 and shall come into operation on 5th July 1973.

2. This Order applies—

(a) to the United Kingdom;

(b) so far as it relates to an enactment extending to the Channel Islands, to those Islands;

(c) so far as it relates to an enactment extending to the Isle of Man, to that Isle.

3.—(1) Any reference in this Order to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended, and as including a reference to it as extended or applied, by or under any other enactment, including the Post Office Act 1969, or by this Order.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and section 38 of that Act (effect of repeals) shall apply as if this Order were an Act of Parliament.

(a) 1953 c. 36.
(c) 1889 c. 63.

(b) 1969 c. 48.

4. The privilege conferred by section 3 of the Post Office Act 1953 with respect to the conveyance of letters and the performance of services of receiving, collecting, despatching and delivering letters which, by virtue of section 23 of the Post Office Act 1969, has become that of the Post Office, shall not extend to the Isle of Man.

5. In section 30(7) of the Post Office Act 1969 (the Post Office to be subject to limited liability in respect of registered inland packets) the following definition shall be substituted for the definition of "inland packet":—

‘ “inland packet” means anything which is posted in the United Kingdom for delivery at a place in the United Kingdom to the person to whom it is addressed;’.

6. In section 66 of the Post Office Act 1969—

- (a) in subsection (4), the words “or the Isle of Man” shall be omitted; and
- (b) subsection (6) shall be repealed.

7. Section 69(3) of the Post Office Act 1969 (documentary evidence as to sums due for services) shall have effect, in relation to a rate at which a charge was levied in respect of a service other than a telecommunication service, as if the Isle of Man were not included in the definition of the expression “the British Islands” in section 86(1) thereof (interpretation).

8. Section 70 of the Post Office Act 1969 (provisions as to money and postal orders) and section 71 thereof (recoupment of losses on money orders wrongly paid to bankers) shall have effect as if the Isle of Man were not included in the last-mentioned definition.

9. Section 86(1) of the Post Office Act 1969 (interpretation) shall be amended by the deletion in the definitions of “harbour”, “harbour authority” and “statutory provision” of the words “or the Isle of Man” and the words from “and, in relation to the Isle of Man” to the end of the definition in each case.

10. Section 133 of the Post Office Act 1969 as amended by the Postal Services (Channel Islands Consequential Provisions) Order 1969(a) and the Telecommunication Services (Channel Islands Consequential Provisions) Order 1972(b) shall be further amended as follows:—

(a) in subsection (2)(a) at the end of sub-paragraph (iv) the word “and” shall be omitted, and at the end of sub-paragraph (v) there shall be added the word “and” and the following sub-paragraph:—

“(vi) without prejudice to the generality of (i) above, persons who, having been officers or servants of the Post Office, are or have been in consequence of such an agreement as is mentioned in paragraph (a)(i) of subsection (1) of section 87 of this Act and of such an Order in Council as is mentioned in that subsection, employed by the Isle of Man Post Office Authority.”

(b) in subsection (2)(b), there shall be omitted the words “or, as the case may be”, and after the words “the States of Guernsey” there shall be inserted the words “or, as the case may be, employment by the Isle of Man Post Office Authority”.

(a) S.I. 1969/1368 (1969 III, p. 4082).

(b) S.I. 1972/1816 (1972 III, p. 5235).

11.—(1) Article 9(c) and (e) of the Postal Services (Channel Islands Consequential Provisions) Order 1969 shall be revoked, and for subsection (1) of section 16 of the Post Office Act 1953 (application of Customs Acts to postal packets) there shall be substituted the following subsection:—

“(1) Subject to the provisions of this section, the enactments for the time being in force relating to customs shall apply in relation to goods contained in postal packets to which this section applies brought into or sent out of the United Kingdom by post from or to any place outside the United Kingdom as they apply in relation to goods otherwise imported, exported or removed into or out of the United Kingdom from or to any such place.”

(2) Subsection 2(d) of the said section 16 shall have effect as if the Isle of Man were included in the expression “any other country”.

12. In section 17 of the Post Office Act 1953 (power to detain postal packets containing contraband) the words “or the Isle of Man” shall be omitted.

13. Section 24 of the Post Office Act 1953 (arrangements with other countries as to money orders) shall have effect as if the Isle of Man were included in the expression “any other country”.

14. Section 63 of the Post Office Act 1953 (prohibition of fictitious stamps) shall have effect as if the Isle of Man were a country outside the British postal area; and, in subsection (5) of that section, the words “or the Isle of Man” shall be omitted.

15. In section 70(2) of the Post Office Act 1953, as substituted by paragraph 10 of Schedule 2 to the Theft Act 1968(a) (prosecution of certain offences in any jurisdiction of British postal area) and as amended by the Postal Services (Channel Islands Consequential Provisions) Order 1969 the words “and of the Isle of Man” shall be omitted.

16. In section 87(1) of the Post Office Act 1953 (interpretation) in the definition of “British postal area” the words “and the Isle of Man” shall be omitted.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Post Office Act 1969 and the Post Office Act 1953 and the Postal Services (Channel Islands Consequential Provisions) Order 1969 to take account of the fact that the postal services in the Isle of Man are to be administered by or under the authority of the Government of that Isle (*see* the Postal Services (Isle of Man) Order 1973 (S.I. 1973/959)).

(a) 1968 c. 60.

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