

2001 No. 1148 (C. 37)

POSTAL SERVICES

**The Postal Services Act 2000 (Commencement No. 4 and
Transitional and Saving Provisions) Order 2001**

Made - - - - 22nd March 2001

The Secretary of State, in exercise of the powers conferred on him by sections 122(3), 129 and 130(1) of the Postal Services Act 2000(a) hereby makes the following Order:

Citation

1.—(1) This Order may be cited as the Postal Services Act 2000 (Commencement No. 4 and Transitional and Saving Provisions) Order 2001.

(2) In this Order—

“the Act” means the Postal Services Act 2000;

“the 1953 Act” means the Post Office Act 1953(b);

“the 1969 Act” means the Post Office Act 1969(c);

“the 1981 Act” means the British Telecommunications Act 1981(d);

“the nominated company” means the company nominated(e) by the Secretary of State for the purposes of section 62 of the Act (transfer of property etc to nominated company);

“the successor postal services company”, in relation to any postal services, means the company which carries on the business of providing those services which was formerly carried on by the Post Office.

(3) In this Order, a postal packet is to be treated as posted before 26th March 2001 if it is delivered to a public post office before 26th March 2001, or it is delivered to a post office letter box before 26th March 2001, provided that it is delivered to that letter box before the last collection of postal packets from that letter box by a postal operator before 26th March 2001.

Commencement

2.—(1) Section 116 of the Act (the Postcode Address File) shall come into force on 25th March 2001.

(2) Subject to articles 3 to 42, the provisions of the Act specified in the Schedule to this Order shall come into force, in so far as is specified in that Schedule, on 26th March 2001.

(a) 2000 c.26.

(b) 1 & 2 Eliz. 2 c.36.

(c) 1969 c.48.

(d) 1981 c.30.

(e) The Post Office Company (Nomination and Appointed Day) Order 2001 (S.I. 2001/8), which came into force on 5th January 2001, nominated Consignia plc (registered number 4074919) for this purpose. On 25th January 2001 the name of Consignia plc was changed to Consignia Holdings plc.

The 1953 Act

3. In addition to its application for the purposes of section 26(6)(a) of the 1953 Act (inward bound ships and aircraft), section 8(3)(b) of the 1953 Act (conditions of transit of postal packets) shall apply in respect of a postal packet posted before 26th March 2001 and the reference in section 8(3) to the Post Office shall be read as including a reference to the successor postal services company.

4. Section 17(c) of the 1953 Act (power to detain postal packets containing contraband) shall apply in respect of a postal packet detained by the Post Office or forwarded by it to the Commissioners of Customs and Excise before 26th March 2001 and the reference in section 17(1) to the Post Office shall be read as including a reference to the successor postal services company.

5. Section 19(d) of the 1953 Act (Post Office mark evidence of amount of postage) shall apply in respect of a postal packet posted before 26th March 2001 and the references in that section to the Post Office shall be read as including references to the successor postal services company.

6. Section 76(e) of the 1953 Act (recovery of sums from officers of Post Office) shall apply in respect of sums falling due from a person engaged in the business of the Post Office, or his sureties, before 26th March 2001.

7. Section 78(2)(f) of the 1953 Act (provision as to post office letter boxes) shall apply on and after 26th March 2001 in respect of a box or receptacle provided by the permission or under the authority of the Postmaster General or the Post Office before 26th March 2001 and the reference to a certificate signed by or on behalf of the Postmaster General or the Post Office shall be read as including a reference to a certificate given by the successor postal services company.

The 1969 Act

8.—(1) The Post Office shall make a report as set out in section 11(10)(g) of the 1969 Act (general ministerial control and supervision of the Post Office) in respect of the accounting year ending on 25th March 2001 and section 11(11)(h) of the 1969 Act shall apply for that purpose.

(2) The Secretary of State shall lay a copy of the report before each House of Parliament.

9.—(1) Section 29 of the 1969 Act (exclusion of liability of the Post Office, its officers and servants, in relation to posts and telecommunications) shall apply in respect of anything done or omitted to be done before 26th March 2001.

(2) The second reference in subsection (2) and the first reference in subsection (3) of section 29 of the 1969 Act to the Post Office shall be read as references to the successor postal services company.

10.—(1) Section 30 of the 1969 Act (the Post Office to be subject to limited liability in respect of registered inland packets) shall apply in respect of a postal packet posted before 26th March 2001.

(2) A reference to the Post Office in section 30 of the 1969 Act shall be read as including a reference to the successor postal services company.

(3) A reference in section 30 of the 1969 Act to an officer, servant or agent of the Post Office shall be read as including a reference to an employee or agent of the successor postal services company.

(a) Section 26 of the 1953 Act was amended by section 23 of, and paragraph 2(1) of Schedule 4 to, the 1969 Act, section 31 of the Criminal Law Act 1977 (c.45) and sections 37, 38 and 46 of the Criminal Justice Act 1982 (c.48).

(b) Section 8(3) of the 1953 Act was amended by sections 16(1) and 28(1) of the Post Office Act 1961 (c.15) (“the 1961 Act”) and paragraph 2(2) of Schedule 4 to the 1969 Act.

(c) Section 17 of the 1953 Act was amended by paragraph 2(6) of Schedule 4 to the 1969 Act, Schedule 4 of the Customs and Excise Management Act 1979 (c.2) and by S.I. 1969/1368 and S.I. 1973/960.

(d) Section 19 of the 1953 Act was amended by paragraph 2(7) of Schedule 4 and Schedule 11 to the 1969 Act.

(e) Section 76 of the 1953 Act was amended by paragraph 2(1) of Schedule 4 and Schedule 11 to the 1969 Act.

(f) Section 78(2) of the 1953 Act was amended by the Schedule to the 1961 Act and by paragraph 2(19) of Schedule 4 to the 1969 Act.

(g) Section 11(10) of the 1969 Act was amended by S.I. 1974/691 and section 62(7) of the 1981 Act.

(h) Section 11(11) was amended by section 62 of the 1981 Act and S.I. 1974/691.

(4) A reference in section 30 of the 1969 Act to a scheme made under section 28 of the 1969 Act includes a reference to a scheme treated, by virtue of this Order, as made under section 89 of the Act (schemes as to terms and conditions for the provision of a universal postal service).

11. Section 37(2) to (4)(a) of the 1969 Act (loans by the Secretary of State to the Post Office) shall apply in respect of a loan made by the Secretary of State before 26th March 2001.

12. Section 39(b) of the 1969 Act (accounts of the Secretary of State with reference to Post Office indebtedness) shall apply in so far as it relates to a loan made before 26th March 2001 by the Secretary of State under section 37 of the 1969 Act.

13.—(1) Section 64 of the 1969 Act (inviolability of mails) shall apply in respect of a postal packet posted before 26th March 2001 and the references in section 64 to the Post Office and to a person who is engaged in its business shall be read as including references to the successor postal services company and to a person engaged in its business, respectively.

(2) The references in section 64(3) of the 1969 Act to sections 16 and 17 of the 1953 Act shall be read as including references to sections 105 (application of customs and excise enactments to certain postal packets) and 106 (power to detain postal packets containing contraband) of the Act.

14. Section 69(3)(c) of the 1969 Act (documentary evidence as to sums due for services) shall apply in respect of proceedings instituted before 26th March 2001 and the second reference in section 69 to the Post Office shall be read as including a reference to the nominated company or the successor postal services company, as the case may be.

15.—(1) Section 70(1) to (5) of the 1969 Act (provisions as to money and postal orders) shall apply in respect of payment by the Post Office before 26th March 2001 of a money or postal order and in respect of payment before 26th March 2001 of a money or postal order outside the British Islands in accordance with arrangements made by the Post Office.

(2) The second reference in subsection (4) and the third reference in subsection (5) of section 70 of the 1969 Act to the Post Office shall be read as including a reference to the nominated company.

(3) Section 70(6) of the 1969 Act shall apply in respect of a refusal or delay by the Post Office in paying a money or postal order before 26th March 2001 and no proceedings shall lie against the nominated company in respect of such a refusal or delay.

16. Section 71 of the 1969 Act (recoupment of losses on money orders wrongly paid to bankers) shall apply in respect of a payment by the Post Office before 26th March 2001 as if the third reference in subsection (1) to the Post Office included a reference to the nominated company.

17.—(1) Section 84(d) of the 1969 Act (exemption from postage of certain petitions and addresses, and limitation of amount of postage recoverable in respect of parliamentary proceedings) shall apply on and after 26th March 2001 in respect of—

(a) a petition or address forwarded to Her Majesty, or, in Northern Ireland, to the Secretary of State, by post before 26th March 2001 and a petition or address to Her Majesty or a petition addressed to either House of Parliament, the Scottish Parliament or the Northern Ireland Assembly sent by post to a member of either House of Parliament, a member of the Scottish Parliament or a member of the Northern Ireland Assembly (as the case may be) before 26th March 2001;

(b) a packet consisting of parliamentary proceedings posted before 26th March 2001.

(2) References in section 84 of the 1969 Act to the Post Office shall be read as including references to the successor postal services company and references to a scheme under section 28

(a) Section 37 of the 1969 Act was amended by S.I. 1974/691, paragraph 51(3) of Schedule 3 to the 1981 Act and section 115 of the Postal Services Act 2000. Its repeal was commenced by S.I. 2000/2957 (C.88) with effect from 26th March 2001.

(b) Section 39 of the 1969 Act was amended by S.I. 1974/691 and section 5 of the Post Office (Banking Services) Act 1976 (c.10).

(c) Section 69(3) of the 1969 Act was amended by paragraph 51(5) of Schedule 3 and Schedule 6 to the 1981 Act.

(d) Section 84 of the 1969 Act was amended by S.I. 1973/2163, S.I. 1999/1042 and Schedule 12 to the Northern Ireland Act 1998 (c.47) and its repeal was commenced by S.I. 2000/2957 (C.88) with effect from 26th March 2001.

of the 1969 Act shall be read as including references to a scheme made, or treated by virtue of this Order as made, under section 89 of the Act.

18. On and after 26th March 2001, the duties set out in paragraph 4 of Schedule 1 to the 1969 Act (incidental provisions with respect to the Post Office and members thereof) to make payments to members and former members of the Post Office shall be duties of the nominated company.

The 1981 Act

19. Section 60(a) of the 1981 Act (redistribution of property, rights and liabilities among wholly owned subsidiaries) shall apply on and after 26th March 2001 in respect of a scheme which came into force before 26th March 2001.

20.—(1) In so far as it relates to a scheme made under section 60 of the 1981 Act in which the Post Office is the transferor, Schedule 2 to the 1981 Act shall apply on and after 26th March 2001 with the following modifications.

(2) The following references in Schedule 2 to the transferor shall be read as references to the nominated company—

- (a) in paragraph 2, all references other than the second and fourth references in subparagraph (1);
- (b) in paragraphs 5 and 7, all references; and
- (c) in paragraph 12, all references other than the reference in subparagraph (1), the first, second and third references in subparagraph (3) and the references in subparagraph (4).

(3) The following references in Schedule 2 to the transferor shall be read as including a reference to the nominated company—

- (a) in paragraph 1(2), the third reference;
- (b) in paragraph 1(4), the first reference;
- (c) in paragraph 10, the second reference;
- (d) the reference in paragraph 6; and
- (e) in paragraph 12, the reference in subparagraph (1), the first, second and third references in subparagraph (3) and the first, second and fifth references in subparagraph (4).

21. Section 66(2) to (4)(b) of the 1981 Act (exclusive privilege of the Post Office with respect to the conveyance etc of letters) shall apply on and after 26th March 2001 in respect of any act done or service performed before 26th March 2001 which infringed the exclusive privilege conferred on the Post Office by section 66(1) and in respect of a letter caused to be conveyed, or tendered, or delivered to be conveyed, before 26th March 2001 by any means which infringed that privilege.

22. Section 68(4) and (7)(c) of the 1981 Act (savings for things done under a licence) shall apply in respect of a payment which was due to be rendered before 26th March 2001.

23.—(1) The Post Office shall on and after 26th March 2001 be under the duty set out in section 75(1)(d) of the 1981 Act (the Post Office's accounts and audit thereof) in respect of the period ending on 25th March 2001 and section 75(2) to (8) shall apply for that purpose.

(2) The expenses incurred on or after 26th March 2001 by the Post Office in connection with paragraph (1) of this article shall be met by the nominated company.

24. In its application in respect of a scheme made under section 60 of the 1981 Act and which came into force before 26th March 2001, section 81 of the 1981 Act (stamp duty) shall be read on and after 26th March 2001 as if the reference to the Post Office included a reference to the nominated company.

(a) The repeal of section 60 was commenced by S.I. 2000/2957 (C.88) with effect from 26th March 2001.

(b) Section 66 of the 1981 Act was amended by S.I. 1999/2107 and its repeal was commenced by S.I. 2000/2957 (C.88) with effect from 26th March 2001.

(c) The repeal of section 68 was commenced by S.I. 2000/2957 (C.88) with effect from 26th March 2001.

(d) Section 75 of the 1981 Act was amended by paragraph 30 of Schedule 10 to the Companies Act 1989 (c.40).

The 2000 Act

25. In its application in respect of the period prior to 1st April 2002, section 76 of the Act (accounts of the Secretary of State in relation to loans) shall apply as if, in subsection (1), for “each financial year” there were substituted “the period beginning on 26th March 2001 and ending on 31st March 2002” and, in subsection (2), for “the month of November in the following financial year” there were substituted “November 2002”.

26.—(1) Sections 91 (limited liability for registered inland packets) and 92 (section 91: supplementary) of the Act shall apply in respect of an inland packet to which section 30 of the 1969 Act does not apply and which was delivered to a post office letter box before 26th March 2001.

(2) The successor postal services company shall be taken to have accepted liability for such a packet in pursuance of the Successor Postal Services Company Inland Letter Post Scheme 2001 and the Successor Postal Services Company Inland Parcel Post Scheme 2001.

(3) The reference in section 91(2) of the Act to an officer, servant, employee, agent or sub-contractor of the universal service provider shall be read as including a reference to an officer, servant or agent of the Post Office.

(4) Without prejudice to paragraph (1) of articles 37 to 41 of this Order, a reference in sections 91 and 92 of the Act to a scheme made under section 89 of the Act shall include a reference to a scheme made under section 28 of the 1969 Act and a scheme treated, by virtue of this Order, as made under section 89 of the Act.

27. Section 100 of the Act (exemption from postage etc) shall apply in respect of—

- (a) a petition or address forwarded to Her Majesty, or, in Northern Ireland, to the Secretary of State, by post;
- (b) a petition or address to Her Majesty sent by post to a member of either House of Parliament, a member of the Scottish Parliament, a member of the National Assembly for Wales, or a member of the Northern Ireland Assembly;
- (c) a petition addressed to either House of Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly sent by post to a member of either House of Parliament, a member of the Scottish Parliament or the Clerk of the Scottish Parliament, a member of the National Assembly for Wales, or a member of the Northern Ireland Assembly (as the case may be);
- (d) a packet consisting of parliamentary proceedings,

to which section 84 of the 1969 Act does not apply and which was delivered to a post office letter box before 26th March 2001.

28. Section 104(1) to (3) of the Act (inviolability of mails) shall apply in respect of a postal packet to which section 64 of the 1969 Act does not apply and which was delivered to a post office letter box before 26th March 2001.

29. Section 107(1) of the Act (conditions of transit of postal packets) shall apply in respect of a postal packet to which section 8(3) of the 1953 Act does not apply and which was delivered to a post office letter box before 26th March 2001.

30. Section 108 of the Act (evidence of the amount of postage etc) shall apply in respect of a postal packet to which section 19 of the 1953 Act does not apply and which was delivered to a post office letter box before 26th March 2001.

31. In sections 111(1), (2), (3) and (4) (exclusion of liability in relation to postal and money orders) and 113(1)(a) (recoupment of losses on wrongly paid money orders) of the Act, a reference to a postal or money order issued by the Post Office company shall include a reference to a postal or money order issued by the Post Office before 26th March 2001.

32. The first financial year of the Council shall end on 31st March 2002.

General transitional and saving provisions

33. No repeal of an enactment commenced on or after 25th March 2001 by an order under section 130(1) of the Act shall apply so far as the enactment is necessary for any purpose in

connection with a transfer effected by virtue of section 4(a) or section 10 of the 1981 Act or section 60 of the Telecommunications Act 1984(b).

34. Except as provided in articles 8(1) and 23(1), nothing in this Order shall be taken as conferring a power or duty on the Post Office in respect of any period commencing on or after 26th March 2001.

35. Any provision contained in an order made under section 129 of the Act (transitional provisions etc) as to the application of an enactment contained in the Act is without prejudice to any wider application of that enactment.

36. In section 200A(2) of the Representation of the People Act 1983(c), the reference to a scheme made under section 89 of the Act shall include a reference to a scheme treated, by virtue of this Order, as made under section 89 of the Act.

Inland Letter Post Scheme

37.—(1) Subject to the following paragraphs, the Post Office Inland Letter Post Scheme 2000(d) (referred to in this article as “the Scheme”) shall continue in force on and after 26th March 2001 as if made by the successor postal services company under section 89 of the Act.

(2) The Scheme may be cited as the Successor Postal Services Company Inland Letter Post Scheme 2001.

(3) Except as provided in the following paragraph, a reference in the Scheme to the Post Office shall, unless the context otherwise requires, be read as a reference to the successor postal services company.

(4) The following references in the Scheme to the Post Office shall be read as including a reference to the successor postal services company—

- (a) in sections 5.1.1, 5.1.2, 46.2.2, 46.3.3, 50.1.8, 50.1.9 and 50.2, all references;
- (b) in Schedule II, in the definitions of “post”, “posted”, “postage”, “post box”, “postmark” and “private postbox”, all references; and
- (c) in Schedule II, in the definition of “postage stamp or mark”, the first two references.

(5) In calculating the maximum periods referred to in section 27.2 of the Scheme, the successor postal services company may include the period during which the Post Office retained the letter in question before 26th March 2001.

(6) In sections 10.1.2, 13.3 and 19 of the Scheme, a reference to Parliament shall be read as including a reference to the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.

(7) In making the calculation under section 43.2 of the Scheme, the successor postal services company may take into account letters received by the Post Office before 26th March 2001.

(8) In section 44.1 of the Scheme, the reference to section 16 of the 1953 Act shall be read as including a reference to section 105(1) and (2) of the Act (application of customs and excise enactments to certain postal packets).

(9) In section 50.1.9 of the Scheme, the reference to section 8(3) of the 1953 Act shall be read as including a reference to section 107(1) of the Act (conditions of transit of postal packets).

(10) Anything agreed, approved, prescribed or specified for the purposes of the Scheme by the Post Office shall be treated as agreed, approved, prescribed or specified by the successor postal services company.

(11) A reference in the Scheme to a scheme made under section 28 of the 1969 Act shall, unless the context otherwise requires, be read as including a reference to a scheme made, or treated by virtue of this Order as made, under section 89 of the Act.

(a) Section 4 of the 1981 Act was repealed by section 109(6) of the Telecommunications Act 1984 (c.12).

(b) 1984 c.12. Section 60 was amended by Schedule 2 to the Companies Consolidation (Consequential Provisions) Act 1985 (c.9).

(c) 1983 c.2. Section 200A was inserted by paragraph 18 of Schedule 8 to the Act.

(d) London Gazette, 20/04/00, pages 4503–4514.

Inland Parcel Post Scheme

38.—(1) Subject to the following paragraphs, the Post Office Inland Parcel Post Scheme 1989(a) (referred to in this article as “the Scheme”) shall continue in force on and after 26th March 2001 as if made by the successor postal services company under section 89 of the Act.

(2) The Scheme may be cited as the Successor Postal Services Company Inland Parcel Post Scheme 2001.

(3) Except as provided in the following paragraph, a reference in the Scheme to the Post Office shall, unless the context otherwise requires, be read as a reference to the successor postal services company.

(4) In paragraph 35 of the Scheme, the reference to the Post Office shall be read as including a reference to the successor postal services company.

(5) In paragraph 3(1) of the Scheme, in the definition of “sender”, the reference to section 30 of the 1969 Act shall be read as including a reference to section 91 of the Act (limited liability for registered inland packets).

(6) In paragraph 7(1) of the Scheme, the reference to section 11(1)(a), (b), and (c) of the 1953 Act shall be read as including a reference to section 85(1) to (4) of the Act (prohibition on sending certain articles by post).

(7) In paragraphs 7(2) and 24(4) of the Scheme, the reference to section 8(3) of the 1953 Act shall be read as including a reference to section 107(1) of the Act.

(8) In paragraph 15(6) of the Scheme, the reference to section 16 of the 1953 Act shall be read as including a reference to section 105(1) and (2) of the Act.

(9) In making the calculation under paragraph 40(2) of the Scheme, the successor postal services company may take into account postal packets received by the Post Office before 26th March 2001.

(10) In Schedule 1 to the Scheme—

(a) in column 1—

(i) in paragraph (a), for “30 kg” there shall be substituted “20 kg”; and

(ii) in paragraph (b), the words “or weight” and “and weight” shall be omitted;

(b) in column 4, for “30 kg (save as the Post Office may allow in (b)), or such lower weight as the Post Office may from time to time determine.” there shall be substituted “20 kg”.

(11) Anything agreed, approved, prescribed or specified for the purposes of the Scheme by the Post Office shall be treated as agreed, approved, prescribed or specified by the successor postal services company.

(12) A reference in the Scheme to a scheme made under section 28 of the 1969 Act shall, unless the context otherwise requires, be read as including a reference to a scheme made, or treated by virtue of this Order as made, under section 89 of the Act.

The Scheme for Franking Letters and Parcels

39.—(1) Subject to the following paragraphs, the Post Office Scheme for Franking Letters and Parcels 2000(b) (referred to in this article as “the Scheme”) shall continue in force on and after 26th March 2001 as if made by the successor postal services company under section 89 of the Act.

(a) The Post Office Inland Parcel Post Scheme 1989 (London Gazette, 29/09/89, pages 11191–11206) was amended by the Post Office Inland Parcel Post Amendment (No. 1) Scheme 1990 (London Gazette, 07/09/90, pages 14365–6), the Post Office Inland Parcel Post Amendment (No. 2) Scheme 1991 (London Gazette, 28/06/91, pages 9944–5), the Post Office Inland Parcel Post Amendment (No. 3) Scheme 1992 (London Gazette, 27/11/92, pages 20094–5), the Post Office Inland Parcel Post Amendment (No. 4) Scheme 1993 (London Gazette, 22/01/93, pages 1191–2), the Post Office Inland Parcel Post Amendment (No. 5) Scheme 1993 (London Gazette, 23/04/93, pages 7216–8), the Post Office Inland Parcel Post Amendment (No. 6) Scheme 1993 (London Gazette, 29/10/93, page 17398), the Post Office Inland Parcel Post Amendment (No. 7) Scheme 1994 (London Gazette, 30/09/94, pages 13760–1), the Post Office Inland Parcel Post Amendment (No. 8) Scheme 1996 (London Gazette, 15/04/96, pages 5346–7), the Post Office Inland Parcel Post Amendment (No. 9) Scheme 1997 (London Gazette, 04/04/97, page 4135), the Post Office Inland Parcel Post Amendment (No. 10) Scheme 1998 (London Gazette, 03/04/98, pages 3876–8), the Post Office Inland Parcel Post Amendment (No. 11) Scheme 1999 (London Gazette, 26/04/99, pages 4634–5) and the Post Office Inland Parcel Post Amendment (No. 12) Scheme 2000 (London Gazette, 14/04/00, pages 4270–1).

(b) London Gazette, 20/04/00, pages 4514–4517.

(2) The Scheme may be cited as the Successor Postal Services Company Scheme for Franking Letters and Parcels 2001.

(3) Except as provided in the following paragraph, a reference in the Scheme to the Post Office shall, unless the context otherwise requires, be read as a reference to the successor postal services company.

(4) In paragraph 14.2.3 of the Scheme, the reference to the Post Office shall be read as including a reference to the successor postal services company.

(5) In Schedule I to the Scheme, in the definition of “letter”, the reference to section 84(1) of the 1969 Act shall be read as including a reference to section 100(1) to (3) of the Act (certain exemptions from postage etc).

(6) Anything agreed, approved, prescribed or specified for the purposes of the Scheme by the Post Office shall be treated as agreed, approved, prescribed or specified by the successor postal services company.

(7) A reference in the Scheme to a scheme made under section 28 of the 1969 Act shall, unless the context otherwise requires, be read as including a reference to a scheme made, or treated by virtue of this Order as made, under section 89 of the Act.

The Overseas Letter Post Scheme

40.—(1) Subject to the following paragraphs, the Post Office Overseas Letter Post Scheme 2001^(a) (referred to in this article as “the Scheme”) shall continue in force on and after 26th March 2001 as if made by the successor postal services company under section 89 of the Act.

(2) The Scheme may be cited as the Successor Postal Services Company Overseas Letter Post Scheme 2001.

(3) Except as provided in the following paragraph, a reference in the Scheme to the Post Office shall, unless the context otherwise requires, be read as a reference to the successor postal services company.

(4) The following references in the Scheme to the Post Office shall be read as including a reference to the successor postal services company—

(a) in paragraph 3(1), in the definitions of “Swiftpack”, “Swiftair plus Registered” and “Swiftair plus Recorded”, all references;

(b) in paragraph 38(1), the second reference;

(c) in paragraphs 17(3) and (5)(c), 19(2)(c), 33(5), 37(8), 38(3)(a) and (7), all references.

(5) In paragraph 11(1) of the Scheme, the reference to section 11(1)(a), (b) or (c) of the 1953 Act shall be read as including a reference to section 85(1) to (4) of the Act.

(6) In making the calculation under paragraph 11(5)(b) of the Scheme, the successor postal services company may take into account postal packets received by the Post Office before 26th March 2001.

(7) In paragraphs 33(5), 37(8) and 38(7) of the Scheme, the reference to section 8(3) of the 1953 Act shall be read as including a reference to section 107(1) of the Act.

(8) Anything agreed, approved, prescribed or specified for the purposes of the Scheme by the Post Office shall be treated as agreed, approved, prescribed or specified by the successor postal services company.

(9) A reference in the Scheme to a scheme made under section 28 of the 1969 Act shall, unless the context otherwise requires, be read as including a reference to a scheme made, or treated by virtue of this Order as made, under section 89 of the Act.

^(a) London Gazette, 16/03/01, pages 3283–3297.

The Overseas Parcel Post Scheme

41.—(1) Subject to the following paragraphs, the Post Office Overseas Parcel Post Scheme 1982(a) (referred to in this article as “the Scheme”) shall continue in force on and after 26th March 2001 as if made by the successor postal services company under section 89 of the Act.

(2) The Scheme may be cited as the Successor Postal Services Company Overseas Parcel Post Scheme 2001.

(3) A reference in the Scheme to the Post Office shall, unless the context otherwise requires, be read as a reference to the successor postal services company.

(4) In paragraph 6(1) of the Scheme, the reference to section 11(1)(a), (b) or (c) of the 1953 Act shall be read as including a reference to section 85(1) to (4) of the Act.

(5) In paragraph 8(1)(a) of the Scheme, for “30 kilogrammes” there shall be substituted “20 kilogrammes”.

(6) In paragraph 24(7) of the Scheme, the reference to section 8(3) of the 1953 Act shall be read as including a reference to section 107(1) of the Act.

(7) In Schedule 1 to the Scheme, in each place where it appears, for “30 kg” there shall be substituted “20 kg”.

(8) Anything agreed, approved, prescribed or specified for the purposes of the Scheme by the Post Office shall be treated as agreed, approved, prescribed or specified by the successor postal services company.

(9) A reference in the Scheme to a scheme made under section 28 of the 1969 Act shall, unless the context otherwise requires, be read as including a reference to a scheme made, or treated by virtue of this Order as made, under section 89 of the Act.

The Postal Order Scheme

42. The Consignia Holdings PLC (Postal Order) Scheme 2001(b) shall apply in respect of a postal order issued as a British postal order before 26th March 2001 by the Post Office, by a person holding office under the Crown who was authorised to issue the postal order by the Post Office or by a postal administration of a country outside the United Kingdom in pursuance of an arrangement described in section 24 of the 1953 Act (arrangements with other countries as to money orders).

Amendment of the first commencement order

43.—(1) The Postal Services Act 2000 (Commencement No. 1 and Transitional Provisions) Order 2000(c) shall be amended as follows.

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- (a) The Post Office Overseas Parcel Post Scheme 1982 (Supplement to London Gazette, 29/01/82, pages 20P–35P) was amended by the Post Office Overseas Parcel Post Amendment (No. 1) Scheme 1983 (London Gazette, 25/03/83, pages 4199–4200), the Post Office Overseas Parcel Post Amendment (No. 2) Scheme 1984 (London Gazette, 24/08/84, page 11605), the Post Office Overseas Parcel Post Amendment (No. 3) Scheme 1985 (London Gazette, 23/08/85, page 11694), the Post Office Overseas Parcel Post Amendment (No. 4) Scheme 1985 (London Gazette, 01/11/85, page 15228), the Post Office Overseas Parcel Post Amendment (No. 5) Scheme 1986 (London Gazette, 13/12/85, pages 17561–2), the Post Office Overseas Parcel Post Amendment (No. 6) Scheme 1986 (London Gazette, 29/08/86, pages 11329–30), the Post Office Overseas Parcel Post Amendment (No. 7) Scheme 1986 (London Gazette, 17/10/86, pages 13452–3), the Post Office Overseas Parcel Post Amendment (No. 8) Scheme 1987 (London Gazette, 20/02/87, pages 2361–4), the Post Office Overseas Parcel Post Amendment (No. 9) Scheme 1987 (London Gazette, 04/09/87, page 11104), the Post Office Overseas Parcel Post Amendment (No. 10) Scheme 1988 (London Gazette, 31/03/88, pages 3887–9), the Post Office Overseas Parcel Post Amendment (No. 11) Scheme 1989 (London Gazette, 23/03/89, pages 3603–5), the Post Office Overseas Parcel Post Amendment (No. 12) Scheme 1990 (London Gazette, 30/03/90, pages 7156–7), the Post Office Overseas Parcel Post Amendment (No. 13) Scheme 1991 (London Gazette, 28/03/91, pages 4967–8), the Post Office Overseas Parcel Post Amendment (No. 14) Scheme 1992 (London Gazette, 03/04/92, pages 6035–7), the Post Office Overseas Parcel Post Amendment (No. 15) Scheme 1993 (London Gazette, 02/04/93, pages 6005–8), the Post Office Overseas Parcel Post Amendment (No. 16) Scheme 1994 (London Gazette, 31/03/94, pages 4972–3), the Post Office Overseas Parcel Post Amendment (No. 17) Scheme 1995 (London Gazette, 31/03/95, pages 4933–5), the Post Office Overseas Parcel Post Amendment (No. 18) Scheme 1996 (London Gazette, 15/04/96, pages 5347–9), the Post Office Overseas Parcel Post Amendment (No. 19) Scheme 1997 (London Gazette, 07/04/97, pages 4135–7), the Post Office Overseas Parcel Post Amendment (No. 20) Scheme 1998 (London Gazette, 03/04/98, pages 3873–6), the Post Office Overseas Parcel Post Amendment (No. 21) Scheme 1999 (London Gazette, 26/04/99, pages 4635–7) and the Post Office Overseas Parcel Post Amendment (No. 22) Scheme 2000 (London Gazette, 14/04/00, pages 4271–3).
- (b) London Gazette, 23/03/2001, pages 3326–3328.
- (c) S.I. 2000/2957 (C.88).

(2) In Schedule 3, omit the references to section 116 of the Act, section 127(4) of the Act (general amendments and repeals) and paragraphs 11, 12 and 16 to 26 of Schedule 8 to the Act (amendments of enactments).

(3) In the table in Schedule 3, omit the reference to section 87 of the 1969 Act (power of Her Majesty in Council to make necessary provision if the Post Office surrenders privileges as regards the Isle of Man or the Channel Islands).

22nd March 2001

Alan Johnson,
Parliamentary Under Secretary of State for Competitiveness,
Department of Trade and Industry

PROVISIONS COMING INTO FORCE ON 26TH MARCH 2001

<i>Provision</i>	<i>Subject matter of provision</i>
Section 89, subsection (7)	Schemes as to terms and conditions for provision of a universal postal service
Section 90	Exclusion of liability
Section 91, in so far as it is not already in force	Limited liability for registered inland packets
Section 92, in so far as it is not already in force	Section 91: supplementary
Section 96	Immunity from prosecutions
Section 104	Inviolability of mails
Section 105, subsections (1) and (3) to (5)	Application of customs and excise enactments to certain postal packets
Section 106	Power to detain postal packets containing contraband
Section 107	Conditions of transit of postal packets
Section 108	Evidence of amount of postage etc.
Section 110	Certificates in relation to universal postal service letterboxes
Section 111	Exclusion of liability in relation to postal and money orders
Section 112, subsections (1) and (8)	Schemes in relation to postal and money orders
Section 113	Recoupment of losses
Section 114, in so far as it is not already in force	Special arrangements with other countries or territories
Section 127(4), in so far as it is not already in force	General amendments and repeals
Section 127(6), in so far as it relates to the repeals and revocations specified in the table below	
Schedule 8, in so far as it is not already in force	Amendments of enactments
In Schedule 9, the repeals and revocations specified in the table below	Repeals and revocations

Table

<i>Reference</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1 & 2 Eliz. 2 c.36	Post Office Act 1953	The whole Act (other than sections 11, 25 to 29, 32, 44 and 45, 52 to 65, 68 to 70, 72 and 79)

<i>Reference</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1969 c.48	Post Office Act 1969	Sections 7 and 8 Sections 10 to 12 Sections 28 to 30 Sections 37 to 39 Section 64 Sections 69 to 71 Section 75(2) Section 80 (except in so far as it extends to the Bailiwick of Guernsey) Section 81 In Schedule 9, paragraph 3(2)
1972 c.70	Local Government Act 1972	In Schedule 29, paragraph 36
1981 c.38	British Telecommunications Act 1981	Section 75 In Schedule 3, paragraph 51(1) and (3)
1983 c.20	Mental Health Act 1983	In section 134(9), the words from “and the provisions” to the end
1983 c.29	Miscellaneous Financial Provisions Act 1983	In Schedule 2, the entry relating to the Post Office Act 1969
1984 c.12	Telecommunications Act 1984	Section 99(1) In Schedule 4, paragraphs 50 and 78
1985 c.67	Transport Act 1985	In Schedule 3, paragraph 22 In Schedule 7, paragraph 13
1986 c.44	Gas Act 1986	In Schedule 7, paragraph 10
1989 c.15	Water Act 1989	In Schedule 25, paragraph 39
1989 c.29	Electricity Act 1989	In Schedule 16, paragraph 15
1989 c.40	Companies Act 1989	In Schedule 10, paragraph 30
S.I. 1992/231 (N.I.1)	Electricity (Northern Ireland) Order 1992	In Schedule 12, paragraph 7
1994 c.29	Police and Magistrates’ Courts Act 1994	In Schedule 4, paragraph 49
1995 c.45	Gas Act 1995	In Schedule 4, paragraph 9
1996 c.16	Police Act 1996	In Schedule 7, paragraph 1(2)(f)
S.I. 1996/275 (N.I.2)	Gas (Northern Ireland) Order 1996	In Schedule 6, the entry relating to the Post Office Act 1969

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 25th March 2001, section 116 of the Postal Services Act 2000 and, on the 26th March 2001, the provisions of the Act specified in the Schedule to the Order, in so far as is specified in that Schedule.

Articles 3 to 42 contain transitional and saving provisions. Article 43 amends the Postal Services Act 2000 (Commencement No. 1 and Transitional Provisions) Order 2000.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Postal Services Act 2000 have been, or will be, brought into force by the Postal Services Act 2000 (Commencement No. 1 and Transitional Provisions) Order 2000 (S.I. 2000/2957 (C.88)):

<i>Provision</i>	<i>Date of Commencement</i>
Section 1, sections 3 to 5, section 11, section 12 (partially), section 13, section 30 (partially), sections 38 and 39, section 42 (partially), section 43 (partially), section 44 (partially), sections 45 and 46, section 47 (partially), section 48, section 59 (partially), Part IV, sections 101 to 103, sections 117 and 118, section 119 (partially), section 127 (4) (partially), section 127(6) (partially), Schedule 1, Schedule 3, Schedule 4, Schedule 6 (partially), Schedule 7 (partially), Schedule 8 (partially) and Schedule 9 (partially)	6th November 2000
Section 2, section 12 (insofar as not already in force), section 31, section 41, section 42 (insofar as not already in force), section 43 (insofar as not already in force), section 44 (insofar as not already in force), section 47 (partially), sections 50 to 58, section 59 (insofar as not already in force), sections 60 and 61, sections 93 and 94, section 119 (partially), section 127(4) (partially), section 127(6) (partially), Schedule 2, Schedule 7 (partially), Schedule 8 (partially) and Schedule 9 (partially)	1st January 2001
Sections 6 to 10, sections 14 to 29, section 30 (insofar as not already in force), sections 32 to 37, section 40, section 47 (insofar as not already in force), section 49, section 95, sections 97 to 100, section 119 (insofar as not already in force), section 127(6) (partially), Schedule 5, Schedule 6 (insofar as not already in force), Schedule 7 (insofar as not already in force), and Schedule 9 (partially)	26th March 2001

The following provisions of the Act have been brought into force by the Postal Services Act 2000 (Commencement No. 2) Order 2001 (S.I. 2001/534 (C.22)).

<i>Provision</i>	<i>Date of Commencement</i>
Sections 89 (partially), sections 91 and 92 (partially), section 105(2), section 112 (partially), section 114 (partially)	26th February 2001

The following provisions of the Act will be brought into force by the Postal Services Act 2000 (Commencement No. 3 and Transitional and Saving Provisions) Order 2001 (S.I. 2001/878 (C.31)).

<i>Provision</i>	<i>Date of Commencement</i>
Sections 83 to 88, section 109, section 127(6) (partially)	26th March 2001

Sections 120 to 126, section 127 (except subsections (4) and (6)) and sections 128 to 131 of the Act came into force on Royal Assent. Section 115 of the Act came into force two months after Royal Assent.

2001 No. 1148 (C. 37)

POSTAL SERVICES

The Postal Services Act 2000 (Commencement No. 4 and
Transitional and Saving Provisions) Order 2001

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