

2001 No. 648

POSTAL SERVICES

**The Postal Services Act 2000 (Consequential Modifications
to Local Enactments No. 1) Order 2001**

<i>Made - - - -</i>	<i>2nd March 2001</i>
<i>Laid before Parliament</i>	<i>5th March 2001</i>
<i>Coming into force</i>	<i>26th March 2001</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 122(2) and 128(1) of the Postal Services Act 2000(a), hereby makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Postal Services Act 2000 (Consequential Modifications to Local Enactments No. 1) Order 2001 and shall come into force on 26th March 2001.

(2) Any modification by this Order of an enactment has the same extent as the enactment modified.

Compulsory powers requiring the consent of the Postmaster General or Post Office

2. Any benefit conferred on the Post Office by virtue of paragraph 100 of Schedule 4 to the Post Office Act 1969 shall from 26th March 2001 be conferred on any universal service provider who uses or holds, in connection with the provision of a universal postal service, any land to which that paragraph applied.

Traffic orders

3.—(1) Any reference in any Order made or construed as having been made under the Road Traffic Regulation Act 1984(b) to a Post Office vehicle or vehicle bearing Royal Mail livery which is carrying out functions in pursuance of any statutory duty of the Post Office shall be construed as follows.

(2) Any reference to Post Office vehicle shall be deemed to be a reference to a vehicle of a universal service provider.

(3) Any reference to a vehicle bearing Royal Mail livery shall be deemed to include a reference to a vehicle bearing a livery which is used by a universal service provider.

(4) Any reference to the carrying out of a statutory duty of the Post Office shall be deemed to be a reference to the provision of a universal postal service.

(a) 2000 c. 26.

(b) 1984 c. 27.

Other modifications of enactments

- 4.—(1) The amendments specified in the Schedule 1 to this Order shall have effect.
- (2) The repeals and revocation specified in Schedule 2 to this Order shall have effect.

2nd March 2001

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

AMENDMENTS

London County Council (General Powers) Act 1957

1. In section 89 of the London County Council (General Powers) Act 1957**(a)** (Crown rights)—

- (a) for the words “the Postmaster-General in trust for Her Majesty for the purposes of the Post Office” are substituted the words “a universal service provider (within the meaning of the Postal Services Act 2000) in connection with the provision of a universal postal service (within the meaning of that Act)”; and
- (b) for the words “the Post Office”, where they appear for the second time, are substituted the words “that universal service provider”.

Tees and Hartlepool Port Authority Act 1966

2.—(1) Section 81 of the Tees and Hartlepool Port Authority Act 1966**(b)** (Crown exemptions from charges) is amended as follows.

(2) In subsection (1)(a)(iii)—

- (a) for the words “the Postmaster General” are substituted the words “a universal service provider (within the meaning of the Postal Services Act 2000)”; and
- (b) for the words “the Post Office Act 1953” are substituted the words “the Postal Services Act 2000”.

(3) In subsection (1)(c) for the words “mailbag as defined by the Post Office Act, 1953” are substituted the words “mail-bag within the meaning of the Postal Services Act 2000”.

City of London (Various Powers) Act 1967

3. In section 4 of the City of London (Various Powers) Act 1967**(c)** (interpretation for Part II of the Act) in the definition of “statutory undertakers” for the words “the Postmaster General” are substituted the words “a universal service provider (within the meaning of the Postal Services Act 2000)”.

Greater London Council (General Powers) Act 1969

4. In section 9 of the Greater London Council (General Powers) Act 1969**(d)** (interpretation of Part III) in the definition of “statutory undertakers” for the words “the Postmaster General” are substituted the words “a universal service provider (within the meaning of the Postal Services Act 2000)”.

Greater London Council (General Powers) Act 1970

5.—(1) The Greater London Council (General Powers) Act 1970**(e)** is amended as follows.

(2) In section 11(6) (miscellaneous amendments of Part III of Act of 1969) for the words “the Post Office” are substituted the words “a universal service provider (within the meaning of the Postal Service Act 2000)”.

(3) In section 15 (licence to erect scaffolding) in subsection (6)(b) for the words “the Post Office” are substituted the words “a universal service provider (within the meaning of the Postal Services Act 2000)”.

Isle of Wight County Council Act 1971

6.—(1) Section 20 of the Isle of Wight County Council Act 1971**(f)** (power to Council to assist industry) is amended as follows.

(a) 1957 c. 35.
 (b) 1966 c. xxv.
 (c) 1967 c. 42.
 (d) 1969 c. 52.
 (e) 1970 c. 76.
 (f) 1971 c. lxxi.

- (2) In paragraph (a) of the proviso—
- (a) for the words “the Post Office” where they first appear are substituted the words “a universal service provider (within the meaning of the Postal Services Act 2000)”;
 - (b) after the words “provide or improve” are inserted the words “in connection with the provision of a universal postal service (within the meaning of that Act)”;
 - (c) for the words “the Post Office” where they appear for the second time are substituted the words “that universal service provider”.
- (3) In paragraph (b) of the proviso, for the words “the Post Office” are substituted the words “a universal service provider”.

Thames Barrier and Flood Prevention Act 1972

- 7.—(1) The Thames Barrier and Flood Prevention Act 1972**(a)** is amended as follows.
- (2) In section 25 (provisions as to dredging, etc.) after subsection (4)(b)(i) the word “or” is inserted.
- (3) In section 60(4)(b) (temporary stopping up of watercourse, highways, etc) in the definition of “apparatus” after subparagraph (i) the word “or” is inserted.

Morpeth Common Act 1974

8. In section 3 of the Morpeth Common Act 1974**(b)** (protection of Morpeth Common) in subsection (3) of the proviso for the words “the Post Office” are substituted the words “a universal service provider (within the meaning of the Postal Services Act 2000) in connection with the provision of a universal postal service (within the meaning of that Act)”.

West Midlands County Council Act 1980

9. In section 2 of the West Midlands County Council Act 1980**(c)** (interpretation) in subsection (1) in the definition of “statutory undertakers” for the words “the Post Office” are substituted the words “a universal service provider (within the meaning of the Postal Services Act 2000) in connection with the provision of a universal postal service (within the meaning of that Act)”.

Derbyshire Act 1981

10. In section 2 of the Derbyshire Act 1981**(d)** (interpretation) in the definition of “statutory undertakers” for the words “the Post Office” are substituted the words “a universal service provider (within the meaning of the Postal Services Act 2000) in connection with the provision of a universal postal service (within the meaning of that Act)”.

Greater London Council (General Powers) Act 1981

- 11.—(1) Section 18 of the Greater London Council (General Powers) Act 1981**(e)** (stopping up of streets) is amended as follows.
- (2) In subsection (3) for the words “the Post Office” are substituted the words “any universal service provider (within the meaning of the Postal Services Act 2000) who provides a universal postal service (within the meaning of that Act) in an area which includes the street or part thereof to which the order applies”.
- (3) In subsection (8) for the words “the Post Office” are substituted the words “any universal service provider (within the meaning of the Postal Services Act 2000) who requires such access in connection with the provision of a universal postal service (within the meaning of that Act)”.
- (4) In subsection (9)(a) for the words “the Post Office” are substituted the words “any universal service provider (within the meaning of the Postal Services Act 2000) who provides a

(a) 1972 c. xlv.
(b) 1974 c. xiii.
(c) 1980 c. xi.
(d) 1981 c. xxxiv.
(e) 1981 c. 17.

universal postal service (within the meaning of that Act) in an area which includes the street or part of a street concerned”.

County of Cleveland Act 1987

12. After section 25(7) of the County of Cleveland Act 1987**(a)** (traffic regulation during carnivals etc.) is inserted—

“(7A) In subsections (6) and (7) “statutory undertaker” and “statutory undertakers” include a universal service provider (within the meaning of the Postal Services Act 2000) in connection with the provision of a universal postal service (within the meaning of that Act).”.

Dyfed Act 1987

13. In section 21 of the Dyfed Act 1987**(b)** (exemption from tolls) in subsection (2)(b) for the words “mail bag as defined by the Post Office Act 1953” are substituted the words “mail-bag within the meaning of the Postal Services Act 2000”.

Greater London Authority Act 1999

14. In section 17A(3) of the Greater London Authority Act 1999**(c)** (free delivery of election addresses) for the words “the Post Office” are substituted the words “a universal service provider (within the meaning of the Postal Services Act 2000)”.

SCHEDULE 2

Article 4(2)

REPEALS AND REVOCATION

<i>Reference</i>	<i>Short title or title</i>	<i>Extent of repeal or revocation</i>
1969 c. 48.	Post Office Act 1969.	In Schedule 4, paragraph 100.
1972 c. xlv.	Thames Barrier and Flood Prevention Act 1972.	In section 25(4)(b), subparagraph (ii) and, after the word “vested”, the words “the Post Office or” and “(as the case may be)”. In section 25(4)(c), the words “the Post Office or”, “(as the case may be)” and “Post Office cable”. Section 52. In section 60(4)(b) in the definition of “apparatus”, subparagraph (iii) and the word “or” immediately preceding it. In section 60(4)(b) in the definition of “statutory undertaker”, the words “and includes the Post Office”.
1973 c. 30.	Greater London Council (General Powers) Act 1973.	In section 7(1), paragraphs (a) and (f) of the proviso.
1981 c. 17.	Greater London Council (General Powers) Act 1981.	Section 18(9)(b).

(a) 1987 c. ix.

(b) 1987 c. xxiv.

(c) 1999 c. 29. Section 17A of the Greater London Authority Act 1999 was inserted by section 14(1) and (2) of the Representation of the People Act 2000.

<i>Reference</i>	<i>Short title or title</i>	<i>Extent of repeal or revocation</i>
1985 c. xvii.	Leicestershire Act 1985.	In section 52(7), the words “the Post Office or, as the case may be” and “use as a postal sorting office or for”.
S.I. 1974/699.	Colchester and District Water Order.	Article 11.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes supplemental, incidental and consequential provision in relation to local enactments in connection with the commencement of the provisions of the Postal Services Act 2000.

Article 1 provides for citation, commencement and extent.

Article 2 confers on universal service providers the benefit of certain compulsory powers in relation to land originally conferred by local enactments on the Postmaster-General and transferred to the Post Office by paragraph 100 of Schedule 4 to the Postal Services Act 1969, which is repealed in Schedule 2 to this Order.

Article 3 applies to orders made under the Road Traffic Regulation Act 1984 or the Acts that it consolidated. Section 144 of, and paragraph 2 of Schedule 10 to, the Road Traffic Regulation Act 1984 construes provisions repealed by and re-enacted (with or without modification) as the equivalent provision in the 1984 Act unless the context otherwise requires. Article 3 requires references in any such orders to a Post Office vehicle or a vehicle bearing the Royal Mail livery to be construed as a reference to a vehicle that bears a livery that is used by a universal service provider in connection with the provision of a universal postal service. It also requires references to a statutory duty of the Post Office to be construed as references to the duty of the universal service provider to provide a universal postal service.

Article 4 gives effect to Schedule 1 (amendments) and 2 (repeals).

Schedule 1 makes various consequential amendments to references in local enactments to the Post Office, the Post Office Act 1953, the Postmaster-General and to provisions relating to statutory undertakers and statutory undertakings.

Paragraphs 1, 2(2)(a), 5, 6, 8, 11 and 14 make consequential amendment to local enactments conferring benefits on the Postmaster-General or Post Office. They replace references to “the Postmaster-General” and “the Post Office” with references to a universal service provider in connection with the provision of a universal postal service. This restricts the application of the legislation to the person or persons nominated to be the universal service provider and only insofar as they are carrying out activities in connection with the provision of a universal postal service.

Paragraphs 2(2)(b), 2(3) and 13 make consequential amendment by replacing references to “the Post Office Act 1953” with references to the Postal Services Act 2000.

Paragraphs 3, 4, 9 and 10 make consequential amendment to the definition of “statutory undertaker” in certain local enactments so as to replace references to the Post Office with references to a universal service provider in connection with the provision of a universal postal service. This restricts the application of the legislation to the person or persons nominated to be the universal service provider and only insofar as they are carrying out activities in connection with the provision of a universal postal service.

Schedule 2 makes various repeals and one revocation in consequence of the commencement of the Postal Services Act 2000.

2001 No. 648

POSTAL SERVICES

The Postal Services Act 2000 (Consequential Modifications
to Local Enactments No. 1) Order 2001

£2.00

© Crown copyright 2001

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E 0664 03/01 ON (MFK)