

2001 No. 878 (C. 31)

POSTAL SERVICES

The Postal Services Act 2000 (Commencement No. 3 and Transitional and Saving Provisions) Order 2001

Made - - - -

7th March 2001

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

Citation and interpretation

1.—(1) This Order may be cited as the Postal Services Act 2000 (Commencement No. 3 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); and

“the successor postal services company” means the company carrying on the business of providing postal services which was formerly carried on by the Post Office.

(3) In this Order a postal packet is to be treated as posted—

(a) on or after 26th March 2001, if it is delivered to a public post office or post office letter box on or after 26th March 2001, or it is delivered to a post office letter box before that date, but after the last collection of postal packets from that post office letter box by a postal operator before 26th March 2001;

(b) 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 post office letter box before the last collection of postal packets from that post office letter box by a postal operator before 26th March 2001.

Commencement

2. Subject to articles 3 to 17, 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.

Transitional and saving provisions

3. Section 8(3)(c) of the 1953 Act (conditions of transit of postal packets) shall apply on and after 26th March 2001 for the purpose of section 26(6)(d) of the 1953 Act as if the reference in section 8(3) to the Post Office were a reference to the successor postal services company.

(a) 2000 c. 26.

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

(c) Section 8 of the 1953 Act was amended by sections 16 and 28 of the Post Office Act 1961 (c. 15) and paragraph 2(2) of Schedule 4 and Schedule 11 to the Post Office Act 1969 (c. 48) (“the 1969 Act”).

(d) 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) (“the 1977 Act”) and sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48) (“the 1982 Act”).

4. Sections 11(a) (prohibition on sending by post of certain articles), 52(b) (stealing mail bag or postal packet) and 54 (receipt of stolen mail bag or postal packet) of the 1953 Act shall apply in respect of a postal packet posted before 26th March 2001.

5. A reference in section 11 of the 1953 Act to the Post Office shall be read as including a reference to the successor postal services company and the reference in that section to a scheme under section 28 of the Post Office Act 1969(c) (schemes for determining charges and other terms and conditions applicable to services) shall be read as including a reference to a scheme under section 89 of the Act (schemes as to terms and conditions for provision of a universal postal service).

6. Section 25(d) of the 1953 Act (outward bound ships) shall apply in respect of a mail bag tendered before 26th March 2001 to the master of a ship outward bound.

7. Section 26 of the 1953 Act (inward bound ships and aircraft) shall apply in respect of a postal packet which was within the exclusive privilege of the Post Office before 26th March 2001 and which was taken on board a ship or aircraft before 26th March 2001; and the references in section 26(2) to the Post Office shall be read as including references to the successor postal services company.

8. Section 27(e) of the 1953 Act (owners' letters) shall apply in respect of a letter to which section 27(2) applied before 26th March 2001 and the reference in section 27(2) to the Post Office shall be read as including a reference to the successor postal services company.

9. Section 28(f) of the 1953 Act (retention of postal packets after delivery of part thereof to Post Office) shall apply to a postal packet which was within the exclusive privilege of the Post Office before 26th March 2001 and was on board a ship or aircraft inward bound before 26th March 2001 and the second and third references in section 28 to the Post Office shall include a reference to the successor postal services company.

10. Section 32(g) of the 1953 Act (penalty for opening of mail bag by master or commander of ship or aircraft) shall apply to a mail bag entrusted to the master of a ship or the commander of an aircraft before 26th March 2001 and the reference in section 32(2) to the Post Office shall be read as including a reference to the successor postal services company.

11. Section 63(h) of the 1953 Act (prohibition of fictitious stamps) shall continue to apply for the purposes of section 10(1) of the National Debt Act 1972(i) (national savings stamps and gift tokens), paragraph 8 of Schedule 1 to the Social Security Contributions and Benefits Act 1992(j), paragraphs 12 to 17 of Schedule 3 to the Social Security (Consequential Provisions) Act 1992(k), paragraph 8 of Schedule 1 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992(l), paragraphs 12 to 17 of Schedule 3 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992(m) and the National Savings Stamps Regulations 1969(n).

(a) Section 11 of the 1953 Act was amended by paragraph 2(3) of Schedule 4 and Schedule 11 to the 1969 Act and section 32(2) of the Magistrates' Courts Act 1980 (c. 43).

(b) Sections 52 and 54 of the 1953 Act extend to Scotland only.

(c) Section 28 of the 1953 Act was amended by section 70(6) of the British Telecommunications Act 1981 (c. 38) and the Postal Services Regulations 1999 (S.I. 1999/2107).

(d) Section 25 of the 1953 Act was amended by paragraph 2(1) of Schedule 4 to the 1969 Act and sections 37, 38 and 46 of the 1982 Act.

(e) Section 27 of the 1953 Act was amended by section 23 of the 1969 Act, section 31 of the 1977 Act and sections 37 and 46 of the 1982 Act.

(f) Section 28 of the 1953 Act was amended by the provisions of the 1969, 1977 and 1982 Acts referred to in the footnote to section 27.

(g) Section 32 of the 1953 Act was amended by the provisions of the 1977 and 1982 Acts referred to in the footnote to section 26.

(h) Section 63 of the 1953 Act was amended by paragraph 2(15) of Schedule 4, paragraph 3 of Schedule 5 and Schedule 8 to the 1969 Act, section 29 of the Forgery and Counterfeiting Act 1981 (c. 45), sections 37 and 46 of the 1982 Act, the Post Office (Abolition of Import Restrictions) Regulations 1993 (S.I. 1993/1324) and the Postal Services (Isle of Man Consequential Provisions) Order 1973 (S.I. 1973/960).

(i) 1972 c. 65.

(j) 1992 c. 4.

(k) 1992 c. 6.

(l) 1992 c. 7.

(m) 1992 c. 9.

(n) S.I. 1969/1343.

12. Section 68 of the 1953 Act (endeavouring to procure the commission of any felony or misdemeanour) shall apply in respect of an offence committed before 26th March 2001 and an offence committed in respect of a postal packet posted before 26th March 2001.

13. Section 69(a) of the 1953 Act (summary proceedings) shall apply in respect of an offence committed before 26th March 2001 and an offence committed in respect of a postal packet posted before 26th March 2001.

14. Section 72(b) of the 1953 Act (evidence of a thing being a postal packet and of consent of Postmaster-General to prosecution) shall apply in respect of an offence committed before 26th March 2001 and an offence committed in respect of a postal packet posted before 26th March 2001 and the reference in section 72(1) to the Post Office shall be read as including a reference to the successor postal services company.

15. Section 85 of the Act (prohibition on sending certain articles by post) shall apply in respect of a postal packet posted on or after 26th March 2001.

16. Section 109 of the Act (evidence of thing being a postal packet) shall apply in respect of a postal packet posted on or after 26th March 2001.

17. Nothing in this Order shall be taken as conferring on the Post Office a power or duty in respect of the period commencing on 26th March 2001.

7th March 2001

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

(a) Section 69 of the 1953 Act was amended by Schedule 2 to the Theft Act 1968 (c. 60).

(b) Section 72 of the 1953 Act was amended by paragraph 2(17) of Schedule 4 and Schedule 8 to the 1969 Act and Schedule 2 to the Theft Act 1968.

SCHEDULE

Article 2

PROVISIONS COMING INTO FORCE ON 26TH MARCH 2001

<i>Provision</i>	<i>Subject matter of provision</i>
Section 83	Interfering with the mail: postal operators
Section 84	Interfering with the mail: general
Section 85	Prohibition on sending certain articles by post
Section 86	Prohibition on affixing advertisements on certain letter boxes etc.
Section 87	Prohibition on misleading descriptions
Section 88	Obstruction of business of universal service providers
Section 109	Evidence of thing being a postal packet
Section 127(6), in so far as it relates to the repeals and revocations specified in the table below	General amendments and repeals
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	Section 11 Sections 25 to 28 Section 32 Sections 52 to 65 Sections 68 to 70 Section 72 Section 79
1967 c. 80	Criminal Justice Act 1967	In Schedule 3, in Part I, the entries in respect of the Post Office Act 1953
1981 c. 45	Forgery and Counterfeiting Act 1981	Section 29
1985 c. 56	Interception of Communications Act 1985	Section 11(2)
S.I. 1993/1324	Post Office (Abolition of Import Restrictions) Regulations 1993	The whole Regulations

Note: The repeal of section 52 of the Post Office Act 1953 (which extends only to Scotland) does not affect any liability at common law in respect of any offence described in that section.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 26th March 2001, the provisions of the Postal Services Act 2000 specified in the Schedule to the Order, insofar as is specified in the Schedule.

Articles 3 to 17 contain transitional and saving provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Postal Services Act 2000 (“the Act”) 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 116, section 119 (insofar as not already in force), section 127(4) (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), Schedule 8 (partially) 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>
Section 89 (partially), sections 91 and 92 (partially), section 105(2), section 112 (partially), section 114 (partially)	26th February 2001

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

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£2.00

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Acts of Parliament

E 0622 03/01 ON (MFK)