



British Telecommunications Act 1981

CHAPTER 38

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ELIZABETH II



British Telecommunications Act 1981

1981 CHAPTER 38

An Act to establish a public corporation to be called British Telecommunications; to make provision with respect to its functions and to transfer to it certain property, rights and liabilities of the Post Office; to make further provision with respect to the Post Office; to provide for dealings by the Treasury in the shares of Cable and Wireless Limited; to amend the Telegraph Acts; and for connected purposes. [27th July 1981]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

NEW CORPORATION FOR THE PROVISION OF TELECOMMUNICATION AND DATA PROCESSING SERVICES

The Corporation

1.—(1) There shall be established a public corporation to be called British Telecommunications (in this Act referred to as Corporation. “the Corporation”).

(2) The Corporation shall have such powers and duties as are conferred and imposed on it by or by virtue of the following provisions of this Part; so however that, until such day as the Secretary of State may by order made by statutory instrument appoint (in this Act referred to as “the appointed day”), the

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purpose for which the Corporation's powers are exercised shall be restricted to the preparation for the taking over by it of functions theretofore discharged by the Post Office.

(3) The Corporation shall consist of a chairman and of other members, who may be full-time or part time.

(4) The number of the other members of the Corporation shall not exceed twelve nor fall short of—

- (a) three, as regards the period beginning with the day on which this Act is passed and ending with the day immediately preceding the appointed day; and
- (b) six, after the expiration of that period.

(5) The chairman of the Corporation shall be appointed by the Secretary of State, and the other members of the Corporation shall be appointed by the Secretary of State after consultation with the chairman.

(6) Schedule 1 shall have effect as respects the Corporation and the members thereof.

Powers and duties of the Corporation

Powers of the Corporation.

2.—(1) The Corporation shall have power—

- (a) to provide telecommunication and data processing services;
- (b) to perform services for the Post Office or any subsidiary of the Post Office;
- (c) to perform services for Her Majesty's Government in the United Kingdom, Her Majesty's Government in Northern Ireland or the government of a country or territory outside the United Kingdom; and
- (d) to perform services for local authorities or national health service authorities.

(2) The powers conferred on the Corporation by subsection (1) shall include power—

- (a) to construct, manufacture, produce, purchase, take on hire or hire-purchase, install, maintain and repair anything required for the purposes of its business or the business of any of its subsidiaries;
- (b) to construct, manufacture, produce or purchase for supply to the Post Office or any subsidiary of the Post Office anything required for the purposes of the business of the Post Office or the subsidiary and to install, maintain, repair and test for the Post Office or any subsidiary of the Post Office anything so required;

(c) to construct, manufacture, produce or purchase for supply to outside persons any articles a function of which necessarily involves the use of telecommunications, and to install, maintain, repair and test for such persons articles of such a kind ;

and for the purposes of paragraph (c) two or more articles constructed, manufactured, produced or purchased for supply as one unit shall be treated as one article.

(3) The Corporation shall have power, for the purpose of securing the effective exercise of any of the powers conferred on it by the foregoing subsections, or in connection with or in consequence of an exercise thereof, to do anything that appears to the Corporation to be requisite, advantageous or convenient for it to do, including in particular (but without prejudice to the generality of the foregoing words) power—

- (a) to provide others with the services of persons employed by it for the purpose of undertaking for them tasks of a kind which, in the course of the provision or performance by it of any service falling within subsection (1), are undertaken by persons so employed ;**
- (b) to provide, for the benefit of others, consultancy and advisory services concerning anything that it does in exercise of its powers or has power to do and facilities for the training of persons for any purpose connected with anything that it so does or has power to do ;**
- (c) to construct, manufacture, produce or purchase for supply to outside persons any articles of a kind similar to any required as mentioned in subsection (2)(a) or (b), and to install, maintain, repair and test for such persons articles of such a kind ;**
- (d) to enter into and carry out agreements with any person for the carrying on by him, whether as its agent or otherwise, of any of the activities which itself may carry on or for the carrying on jointly by him and it of any of those activities ;**
- (e) to acquire land which is required by it for, or in connection with, the exercise of its powers or as to which it can reasonably be foreseen that it will be so required ;**
- (f) to dispose (whether absolutely or for a term of years) of any part of its undertaking or any property which in its opinion is not required by it for or in connection with the exercise of its powers and, in particular, to dispose of an interest in, or right over, any property which, subject to the interest or right, is retained by it ;**

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- (g) for the purposes of its business, to subscribe for or acquire any securities of an incorporated company or other body corporate, to procure its admission to membership of an incorporated company limited by guarantee and not having a share capital, to promote the formation of an incorporated company or participate in the promotion of such a company or to acquire an undertaking or part of an undertaking;
- (h) to give or lend money to, or give a guarantee for the benefit of, any person with whom it has entered into an agreement by virtue of paragraph (d) for the purpose of enabling him to carry out the agreement and, for the purposes of its business, to give or lend money to, or give a guarantee for the benefit of, any other person for the purposes of an undertaking carried on by him or, where that person is a body corporate, an undertaking carried on by a subsidiary of that person;
- (i) to do anything for the purpose of advancing the skill of persons employed by it or that of persons who, though not so employed, are engaging themselves, or have it in contemplation to engage themselves, in work of a kind in the case of which it has or may have a direct or indirect concern in the products thereof;
- (j) to promote (either by prosecuting it itself or by its promoting it by others) research into matters which affect, or arise out of, the carrying on of its business, or other matters which, though not such as aforesaid, are such as to which it appears to it that advantage will or may accrue to it as a consequence of research's being prosecuted into them;
- (k) to promote the doing of such work as is requisite to enable there to be turned to account—
 - (i) the results of research (whether promoted by it or not) into matters affecting, or arising out of, the carrying on of its business;
 - (ii) the results of research promoted by it into other matters;
- (l) to provide assistance (including financial assistance) to, or promote the activities of, any institution or person if, in its opinion, the consequences of doing so will enure for its benefit;
- (m) to provide houses, hostels and other like accommodation for persons engaged in its business;
- (n) to make loans to persons employed by it (including in particular, loans to assist them to acquire housing accommodation) and to guarantee loans made to

persons so employed (including, in particular, loans made by building societies and other bodies for housing purposes);

- (o) to promote recreational activities for, and activities conducing to the welfare of, persons who are, or have been, employed by it, have been engaged in the business of the Post Office or have been officers, servants or agents of the Postmaster General and the families of such persons and to assist the promotion by others of such activities;

and may turn its resources to account so far as not required for the purposes of its business.

(4) The Corporation shall have power to furnish any authority or person outside the United Kingdom with assistance (whether financial, technical or of any other nature) if, in its opinion, the consequences of doing so will enure for its benefit.

(5) The Corporation may, with the consent of the Secretary of State, promote, and may, without any such consent, oppose, Bills in Parliament, proposed Measures in the Northern Ireland Assembly and orders under the Private Legislation Procedure 1936 c. 52. (Scotland) Act 1936.

(6) For the avoidance of doubt, it is hereby declared that the foregoing provisions of this section relate only to the capacity of the Corporation as a statutory corporation, and nothing in those provisions shall be construed as authorising the disregard by it of any enactment or rule of law.

(7) The provisions of this section shall not be construed as limiting any power of the Corporation conferred by or under any subsequent provision of this Act.

(8) Nothing in this section shall be taken to confine the exercise of the powers thereby conferred on the Corporation to the British Islands.

3.—(1) It shall be the duty of the Corporation (consistently with any directions given to it under the following provisions of this Part) so to exercise its powers as to provide throughout the British Islands (save in so far as they are provided by other persons or the provision thereof is, in its opinion, impracticable or not reasonably practicable) such telephone services as satisfy all reasonable demands for them. General duty of the Corporation.

(2) It shall also be the duty of the Corporation, in exercising its powers, to have regard to—

- (a) efficiency and economy;

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- (b) the social, industrial and commercial needs of the British Islands with respect to matters that are subserved by its powers ;
- (c) the desirability of improving and developing its operating systems ; and
- (d) developments in the fields of telecommunications and data processing.

(3) Subsection (1) shall not be taken to preclude the interruption, suspension or restriction, in the case of emergency, of any telephone service provided by the Corporation.

(4) Nothing in this section shall be construed as imposing upon the Corporation, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

(5) References in this section to the provision of telephone services do not include references to the supply to any subscriber, for use in connection with such services, of any apparatus apart from a single telephone instrument.

Redistribution of property, rights and liabilities among wholly owned subsidiaries.

4.—(1) Subject to subsection (5), the Corporation may make schemes—

- (a) for the reorganisation, amalgamation or dissolution of any of its wholly owned subsidiaries ;
- (b) for the transfer, between the Corporation and any such subsidiary or between one such subsidiary and another, of any specified property, rights or liabilities, or of all property, rights and liabilities comprised in a specified part of the transferor's undertaking.

(2) A scheme under subsection (1) may contain such supplementary, incidental and consequential provisions as may appear to the Corporation to be necessary or expedient.

(3) Without prejudice to the generality of subsection (2), a scheme under subsection (1)(b) which transfers to a subsidiary property, rights and liabilities comprised in a part of the transferor's undertaking concerned with the provision of services which, by virtue of the provisions of this Part, the Corporation has the exclusive privilege of providing may provide that such enactments relating to the provision of those services as may be specified in the scheme shall apply in relation to the subsidiary (but only so long as it remains a wholly owned subsidiary of the Corporation) as they apply in relation to the Corporation.

(4) Without prejudice to any power conferred on it by any other provision of this Part, the Corporation may establish subsidiaries for the purpose of schemes under subsection (1)(b).

(5) A scheme under subsection (1) shall not come into force unless it has been approved by the Secretary of State or until such date as the Secretary of State may in giving his approval specify; and the Secretary of State may approve a scheme either without modifications or with such modifications as, after consultation with the Corporation, he thinks fit.

(6) Notice of the coming into force of a scheme under subsection (1)(b) which contains such provision as is mentioned in subsection (3) shall be published by the Corporation—

- (a) if the scheme relates in whole or in part to England and Wales, in the London Gazette;
- (b) if the scheme relates in whole or in part to Scotland, in the Edinburgh Gazette; and
- (c) if the scheme relates in whole or in part to Northern Ireland, in the Belfast Gazette.

(7) Subject to subsection (8), in the case of any scheme under subsection (1)(b) the property, rights and liabilities in question shall on the date of the coming into force of the scheme be transferred, and by virtue of the scheme vest, in accordance with the scheme.

(8) Schedule 2 shall apply to any transfer under subsection (7) subject to any reference in that Schedule to a transfer by or a vesting by virtue of this Act being construed as a reference to a transfer by or a vesting by virtue of the scheme in question, and that subsection shall have effect subject to the provisions of that Schedule.

5.—(1) As regards any wholly owned subsidiary of the Corporation, the Corporation shall so exercise the rights conferred on it by the holding of its interest therein as to secure that no person is elected chairman of the board of directors of the subsidiary except after consultation with the Secretary of State as to his suitability for election.

Control of wholly owned subsidiaries.

(2) As regards any wholly owned subsidiary of the Corporation, the Corporation shall secure that, notwithstanding anything in the subsidiary's memorandum or articles of association, the subsidiary does not—

- (a) engage in any activity which the Corporation itself has no power to engage in or has power to engage in only with the consent of the Secretary of State;
- (b) issue any of its shares, stock or debentures to a person other than—
 - (i) the Corporation or another wholly owned subsidiary of the Corporation; or
 - (ii) a person who is to hold them as a nominee of the Corporation or of a wholly owned subsidiary of the Corporation; or

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(c) transfer any interest of the subsidiary in another wholly owned subsidiary of the Corporation to a person not within paragraph (b)(i) or (ii),

except with the consent of, or in accordance with the terms of any general authority given by, the Secretary of State.

(3) As regards any wholly owned subsidiary of the Corporation, the Corporation shall not transfer any of its interest therein to a person other than—

(a) another wholly owned subsidiary of the Corporation ;
or

(b) a person who is to hold it as a nominee of the Corporation or of a wholly owned subsidiary of the Corporation,

except with the consent of, or in accordance with the terms of any general authority given by, the Secretary of State.

(4) As regards any wholly owned subsidiary of the Corporation, the Corporation shall secure that the subsidiary seeks consultation with any organisation appearing to the subsidiary to be appropriate with a view to the conclusion between it and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

(a) the settlement of terms and conditions of employment of persons employed by the subsidiary ;

(b) the promotion and encouragement of measures affecting efficiency in the carrying on by the subsidiary of its activities, including, in particular, the promotion and encouragement of the training of persons employed by the subsidiary ; and

(c) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the subsidiary.

Powers of the Secretary of State over the Corporation

General control and supervision by the Secretary of State.

6.—(1) The Corporation shall give effect to any direction given to it by the Secretary of State under the provisions of this Part and shall secure, so far as appropriate, that each of its wholly owned subsidiaries also gives effect to any such direction.

(2) The Secretary of State may, after consultation with the Corporation, give to it such directions of a general character as to the exercise by it of its powers as appear to the Secretary of State to be requisite in the national interest.

(3) If it appears to the Secretary of State that there is a defect in the general plans or arrangements of the Corporation for exercising any of its powers, he may, after consultation with it, give it directions of a general character for remedying the defect.

(4) Without prejudice to the foregoing provisions of this section, if it appears to the Secretary of State to be requisite or expedient so to do—

(a) in the interests of national security or relations with the government of a country or territory outside the British Islands ; or

(b) in order—

(i) to discharge, or facilitate the discharge of, an obligation binding on Her Majesty's Government in the United Kingdom by virtue of it being a member of an international organisation or a party to an international agreement ;

(ii) to attain, or facilitate the attainment of, any other object the attainment of which is, in the Secretary of State's opinion, requisite or expedient in view of Her Majesty's Government in the United Kingdom being a member of such an organisation or a party to such an agreement ; or

(iii) to enable Her Majesty's Government in the United Kingdom to become a member of such an organisation or a party to such an agreement,

he may, after consultation with the Corporation, give to it directions requiring it (according to the circumstances of the case) to secure that a particular thing that it or any of its subsidiaries is doing is no longer done or that a particular thing that it has power to do, but is not being done either by it or by any of its subsidiaries, is so done.

(5) If it appears to the Secretary of State that the Corporation is showing undue preference to, or is exercising undue discrimination against, any person or persons of any class or description in the charges or other terms and conditions applicable to the provision of services which, by virtue of the provisions of this Part, it has the exclusive privilege of providing, he may, after consultation with the Corporation, give it such directions as appear to him requisite to secure that it ceases so to do.

(6) The Secretary of State may, after consultation with the Corporation, direct the Corporation—

(a) to make a scheme under subsection (1) of section 4, or to exercise its powers under subsection (4) of that section, for such purposes and in such manner as may be specified in the direction ; or

(b) to dispose of any part of its undertaking or any assets held by it or to exercise its control over any of its wholly owned subsidiaries so as to cause the subsidiary to dispose of any part of its undertaking or any assets held by it ;

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but the Secretary of State shall not give any direction under paragraph (b) unless he is satisfied that he will not thereby impede or prevent the proper discharge of the Corporation's duty under section 3(1).

(7) The Secretary of State shall lay before each House of Parliament a copy of every direction given under subsection (6) unless he is of opinion that disclosure of the direction is against—

(a) the interests of national security ; or

(b) the commercial interests of any person.

(8) The Corporation shall not disclose any direction given to it under any of the foregoing provisions of this section if the Secretary of State notifies it that he is of opinion that disclosure of the direction is against—

(a) the interests of national security ; or

(b) the commercial interests of a person other than the Corporation and its wholly owned subsidiaries.

(9) The Corporation shall settle from time to time, after consultation with the Secretary of State, a general programme of technological research into matters affecting the services provided by it or its wholly owned subsidiaries and other matters affecting its or their functions, and of development connected with such matters.

(10) The Corporation, in carrying out any such work of development as involves substantial outlay on capital account and in securing the carrying out by its wholly owned subsidiaries of any such work, shall act in accordance with a general programme settled from time to time with the approval of the Secretary of State.

(11) The Corporation, in such manner and at such times as the Secretary of State may specify in writing to it, shall furnish him with such information—

(a) as he may so specify ; and

(b) as the Corporation has or can reasonably be expected to obtain,

with respect to such matters relating to the Corporation or its subsidiaries or the activities (past, present or future), plans or properties of any of them as the Secretary of State may so specify.

(12) Without prejudice to the provisions of subsection 11), the Corporation shall, as soon as possible after the end of each accounting year, make to the Secretary of State a report on the exercise and performance by it and its subsidiaries of its and their functions during that year (which shall include such particulars as the Secretary of State may, after consultation with

the Corporation and with the approval of the Treasury, direct with respect to its activities and those of its subsidiaries so far as consisting in the construction, manufacture or production of articles in that year), and the Secretary of State shall lay a copy of every such report before each House of Parliament.

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(13) The report made under subsection (12) for any year shall set out any directions given under this Part by the Secretary of State to the Corporation during that year, except such (if any) as were the subject of notifications under subsection (8)(a).

7.—(1) The Corporation shall consult with the Secretary of State before it and all of its wholly owned subsidiaries taken together (in this section referred to as “the group”) during any accounting year construct, manufacture or produce, for the relevant purpose, things of any kind to an extent substantially greater than that to which the group constructed, manufactured, or produced, for that purpose, things of that kind during the relevant period.

(2) The Corporation shall also consult with the Secretary of State before the group during any accounting year constructs, manufactures or produces to a substantial extent, for the relevant purpose, things of a kind that the group did not construct manufacture or produce for that purpose during the three accounting years immediately preceding that year.

(3) In this section—

“the relevant period” means, in relation to things of any kind and any accounting year, whichever of the three accounting years immediately preceding that year was the one in which the group constructed, manufactured or produced, for the relevant purpose, things of that kind to the greatest extent;

“the relevant purpose” means the purpose of—

(a) use by the Corporation or any of its wholly owned subsidiaries;

(b) supply by the Corporation or any of its wholly owned subsidiaries to the Post Office or a subsidiary of the Post Office; or

(c) supply by the Corporation or any of its wholly owned subsidiaries to outside persons for use by such persons—

(i) in connection with, or in the construction, manufacture or production of articles for use in connection with, telecommunication services by whomsoever provided;

(ii) for, or in the construction, manufacture or production of articles for use for, the provision of telecommunication services; or

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(iii) in connection with other services provided by the Corporation or any such subsidiary ;

and for the purposes of this section the assembly of an article in the course of its installation at the place where it is to be used shall not be taken to constitute its manufacture, construction or production.

Activities requiring approval of the Secretary of State.

8.—(1) Neither the Corporation nor any of its wholly owned subsidiaries shall, except with the approval of the Secretary of State, construct, manufacture, produce or purchase, otherwise than for the relevant purpose, things of any kind to a substantial extent.

(2) The Secretary of State—

(a) may give approval for the purposes of subsection (1) subject to such conditions (if any) as he may think fit; and

(b) notwithstanding the giving of approval, may at any time, after consultation with the Corporation, direct it to discontinue or, as the case may be, to exercise its control over any of its wholly owned subsidiaries so as to require the subsidiary to discontinue, any activity that the Corporation or, as the case may be, the subsidiary is carrying on with approval.

(3) The Secretary of State shall publish, in such manner as he thinks fit, particulars of any approval given by him under subsection (1).

(4) In carrying on any activities to which subsection (1) applies, the Corporation shall act as if it were a company engaged in a commercial enterprise, and it shall so exercise its control over each of its wholly owned subsidiaries that carries on any such activities as to ensure that the subsidiary so acts.

(5) In this section “the relevant purpose” has the same meaning as in section 7.

Users' Councils

Users' Councils.

1969 c. 48.

9.—(1) Subject to the provisions of this section, section 14 (the Post Office Users' Councils) and section 15 (duty of the Post Office to consult the Post Office Users' National Council about certain proposals) of the Post Office Act 1969 (in this Act referred to as “the 1969 Act”) shall have effect, as from the appointed day, as if—

(a) any reference to services provided by, or main services of, the Post Office included a reference to services provided by, or main services of, the Corporation ;

- (b) any reference to the Post Office (other than a reference falling within paragraph (a)) included a reference to the Corporation ; and
- (c) any reference to a direction given by the Secretary of State under section 11(3) or (4) of that Act included a reference to a direction given by the Secretary of State under section 6(4) or (5).

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(2) The Secretary of State may, after consulting with the Corporation and the Post Office Users' National Council, provide by order made by statutory instrument that as from such date as may be specified in the order references in the said sections 14 and 15 which, by virtue of subsection (1), include references to services provided by, or main services of, the Corporation shall not include references to such services as may be so specified, not being services which, by virtue of the provisions of this Part, the Corporation has the exclusive privilege of providing.

(3) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Transfers of property, rights and liabilities

10.—(1) Before the appointed day the Post Office shall take steps to separate from the remainder of its undertaking the part thereof concerned with the provision of telecommunication and data processing services (that is to say, the part thereof which is under the management and control of the deputy chairman who has special responsibility for telecommunication and data processing services).

Transfer to the Corporation of certain property, rights and liabilities of the Post Office.

(2) Subject to the following provisions of this section, on the appointed day there shall be transferred from the Post Office to, and by virtue of this Act vested in, the Corporation all the property, rights and liabilities which, immediately before that day, were comprised in the part of the Post Office's undertaking mentioned in subsection (1).

(3) At any time before the appointed day the Post Office and the Corporation may agree in writing that subsection (2) shall not have effect in relation to any property, rights and liabilities specified in the agreement.

(4) At any time before the expiration of twelve months beginning with the appointed day the Post Office and the Corporation may agree in writing that, as from such date, not earlier than the appointed day, as may be specified in or determined by or under the agreement and in such circumstances (if any) as may be so specified—

- (a) there shall be transferred from the Post Office to, and

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vested in, the Corporation any property, rights and liabilities specified in the agreement ; or

(b) there shall be transferred from the Corporation to, and vested in, the Post Office any property, rights and liabilities so specified.

(5) No agreement under subsection (3) or (4) shall have effect in relation to rights and liabilities under a contract of employment unless the employee concerned is a party to the agreement.

(6) Subject to subsection (7), in the case of any agreement under subsection (4) the property, rights and liabilities in question shall on the date of the coming into force of the agreement be transferred, and by virtue of the agreement vest, in accordance with the agreement.

(7) Schedule 2 shall apply to any transfer under subsection (2) or (6) subject, in the case of a transfer under subsection (6), to any reference in that Schedule to a vesting by virtue of this Act being construed as a reference to a vesting by virtue of the agreement in question ; and those subsections shall have effect subject to the provisions of that Schedule.

(8) Any reference in this Act to a transfer by this Act includes a reference to a transfer under subsection (6).

Statutory
rights and
liabilities as to
telegraphs.

11.—(1) Without prejudice to the generality of subsection (2) of section 10, the rights and liabilities transferred from the Post Office to the Corporation under that subsection shall include the rights and liabilities which, by virtue of the provisions of the Telegraph Acts, are enjoyed by, and incumbent on, the Post Office immediately before the appointed day, and the Corporation shall become subject to the restrictions imposed by those provisions to which the Post Office is subject immediately before that day.

1950 c. 39.
1863 c. 112.
(2) Accordingly, as from the appointed day, in the provisions of the Telegraph Acts and in section 20 of the Public Utilities Street Works Act 1950 (which extends the powers exercisable under section 21 of the Telegraph Act 1863)—

(a) references to the Post Office (except such references as are expressly dealt with by the following provisions of this Act) shall be construed as referring to the Corporation ; and

(b) references which include references to the Post Office shall be construed as including references to the Corporation.

(3) In this section "the Telegraph Acts" means the Telegraph Act 1863, the Telegraph Act 1868, the Telegraph Act 1870, the Telegraph Act 1878, the Telegraph (Isle of Man) Act 1889, the Telegraph Act 1892, the Telegraph (Construction) Act 1908, the Telegraph (Arbitration) Act 1909, the Telegraph (Construction) Act 1911 and the Telegraph (Construction) Act 1916.

PART I

1863 c. 112.
1868 c. 110.
1870 c. 88.
1878 c. 76.
1889 c. 34.
1892 c. 59.
1908 c. 33.
1909 c. 20.
1911 c. 39.
1916 c. 40.

Exclusive privilege of the Corporation with respect to telecommunication

12.—(1) Subject to the following provisions of this Part, as from the appointed day, the Corporation shall have throughout the British Islands the exclusive privilege of running telecommunication systems, that is to say systems for the conveyance, through the agency of electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy, of—

Exclusive privilege of the Corporation with respect to telecommunication.

- (a) speech, music and other sounds ;
- (b) visual images ;
- (c) signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sound or visual images ; and
- (d) signals serving for the actuation or control of machinery or apparatus.

(2) In the case of an infringement, in relation to a system not extending beyond the British Islands, of the privilege conferred by subsection (1), the person running the system (or, if different people run different parts of it, each of them) shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum ;
- (b) on conviction on indictment, to a fine,

and, in the case of an infringement, in relation to a system extending beyond those Islands, of that privilege, the person running the portion of the system within those Islands (or, if different people run different parts of it, each of them) shall be guilty of an offence and similarly liable.

(3) In any proceedings in respect of an offence under this section consisting in the running of a system in the case of which, at the time of the commission of the offence, different parts were run by different persons, it shall be a defence for the defendant to prove that a part of the system had been included without his knowledge and that, had it not been, the running of the system would not have constituted an infringement of the privilege conferred by subsection (1).

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(4) References in this Act to services which, by virtue of the provisions of this Part, the Corporation has the exclusive privilege of providing are references to services the provision of which by a person other than the Corporation would necessarily infringe the privilege conferred by subsection (1); and for this purpose licences granted under section 15(1) otherwise than to all persons shall be disregarded.

General classes of acts not infringing the telecommunication privilege.

13.—(1) The privilege conferred by subsection (1) of section 12 is not infringed by—

(a) the running of a system in the case of which the only agency involved in the conveyance of things thereby conveyed is light and the things thereby conveyed are so conveyed as to be capable of being received or perceived by the eye and without more;

(b) the running by a person of a system in the case of which all the apparatus comprised therein is situate either—

(i) on a single set of premises occupied by him; or

(ii) in a vehicle, vessel, aircraft or hovercraft or in two or more vehicles, vessels, aircraft or hovercraft mechanically coupled together; or

(c) the running by a single individual of a system in the case of which—

(i) all the apparatus comprised therein is under his control; and

(ii) everything conveyed by it that falls within paragraphs (a) to (d) of the said subsection (1) is conveyed solely for domestic purposes of his.

(2) In the case of a business carried on by a person, the said privilege is not infringed by the running, for the purposes of that business, of a system with respect to which the conditions specified in subsection (3) are satisfied and—

(a) in a case in which all the apparatus therein comprised is situate in the British Islands, no person except him or the Corporation is concerned in the control of the apparatus;

(b) in any other case, no person except him or the Corporation is concerned in the control of so much of the apparatus as is so situate.

(3) The said conditions are—

(a) that nothing falling within paragraphs (a) to (d) of subsection (1) of section 12 is conveyed by the system by way of rendering a service to another;

- (b) that, in so far as sounds or visual images are conveyed by the system, they are not conveyed for the purpose of their being heard or seen by persons other than the person carrying on the business or any servants of his engaged in the conduct thereof ;
- (c) that in so far as such signals as are mentioned in paragraph (c) of that subsection are conveyed by the system, they are not conveyed for the purpose of imparting matter otherwise than to the person carrying on the business, any servants of his engaged in the conduct thereof or things used in the course of the business and controlled by him ; and
- (d) that, in so far as such signals as are mentioned in paragraph (d) of that subsection are conveyed by the system, they are not conveyed for the purpose of actuating or controlling machinery or apparatus used otherwise than in the course of the business.

(4) In the case of a system in the case of which all the apparatus therein comprised consists of apparatus supplied by the Corporation to a person, the said privilege is not infringed by the running of the system by that person ; and in the case of a system in the case of which part of the apparatus comprised therein consists of apparatus supplied by the Corporation to a person, the said privilege is not infringed by the running by that person of so much of the system as comprises apparatus so supplied.

(5) In this section—

- “ business ” includes a trade, profession or employment and includes any activity carried on by a body of persons, whether corporate or unincorporated ;
- “ supplied ” means supplied in pursuance of a scheme made under section 21 or let on hire ;
- “ vessel ” means a vessel of any description used in navigation.

14.—(1) The privilege conferred by subsection (1) of section 12 is not infringed by a broadcasting authority by reason only of the transmission by it, by wireless telegraphy, of sounds or visual images from a transmitting station for general reception direct from that station, nor is it infringed by the reception of sounds or visual images transmitted, by wireless telegraphy, from a transmitting station for general reception direct from that station or through the medium of a relay service licensed under the Wireless Telegraphy Act 1949.

1949 c. 54.

(2) In this section “ broadcasting authority ” means a person licensed under the Wireless Telegraphy Act 1949 to broadcast programmes for general reception and “ wireless telegraphy ” has the same meaning as in that Act.

PART I
Saving for
things done
under a
licence.

15.—(1) A licence may be granted—

- (a) by the Secretary of State after consultation with the Corporation ; or**
- (b) with the consent of, or in accordance with the terms of a general authority given by, the Secretary of State, by the Corporation,**

either unconditionally or subject to any conditions specified in the licence, and either irrevocably or subject to revocation as therein specified, for the running of any such telecommunication system as is specified in the licence ; and anything done under, and in accordance with, a licence granted under this subsection shall not constitute an infringement of the privilege conferred by section 12(1).

(2) The Secretary of State may, after consultation with the Corporation, give to it directions requiring it to grant licences under subsection (1) for such purposes and subject to such terms and conditions as may be specified in the directions.

(3) A licence granted under subsection (1) shall, unless previously revoked in accordance with any term in that behalf contained in the licence, continue in force for such period as may be specified therein.

(4) A licence granted under subsection (1) may be granted either to all persons, to persons of a class or to a particular person, and may include (without prejudice to the power to impose conditions conferred by that subsection) conditions requiring the rendering of a payment on the grant of the licence or periodic payments during the currency of the licence or both—

- (a) in the case of a licence granted by the Secretary of State, to the Secretary of State or the Corporation or both ;**
or
- (b) in the case of a licence granted by the Corporation, to the Corporation.**

(5) A payment required by virtue of this section to be rendered to any person may be recovered by that person in any court of competent jurisdiction and, except in Scotland, may be so recovered as if it were a simple contract debt.

(6) A licence granted under subsection (1) otherwise than to a specified person shall be published in such manner as appears to the grantor to be appropriate for bringing it to the attention of the persons for whose benefit it will enure, and a licence expressed to be so granted must be in writing.

(7) A person shall not be concerned to inquire whether the grant by the Corporation of a licence under subsection (1) was, or was not, effected with the consent of, or in accordance

with the terms of a general authority given by, the Secretary of State; and the validity of a licence granted by the Corporation under that subsection shall not be impugned on the grounds that it was granted neither with the consent of, nor in accordance with the terms of a general authority given by, him.

(8) For the purposes of a licence granted under subsection (1), the definition of a class of persons may be framed by reference to any circumstances whatever.

(9) Any sums received by the Secretary of State under this section shall be paid into the Consolidated Fund.

Approval of apparatus used for telecommunication

16.—(1) Standards to which subscriber's apparatus of a description specified therein must conform if it is, or is to be, connected (either directly or indirectly) to a telecommunication system run by the Corporation, being a system so specified or of a description so specified, may be approved—

Approval of apparatus which is to be connected to a telecommunication system run by the Corporation.

(a) after consultation with the Corporation, by the Secretary of State; or

(b) after such consultation as aforesaid, by a person or body appointed for the purpose by the Secretary of State;

and an approval under this subsection may specify conditions which must be complied with in relation to any apparatus or its connection or use if it is to be regarded as conforming to the standard to which the approval relates.

(2) Where, in the case of any subscriber's apparatus, a standard is not for the time being approved under subsection (1) in relation to any telecommunication system run by the Corporation, the apparatus must be approved—

(a) after consultation with the Corporation, by the Secretary of State;

(b) after such consultation as aforesaid, by a person or body appointed for the purpose by the Secretary of State; or

(c) with the consent of, or in accordance with a general authorisation given by, the Secretary of State, by the Corporation,

if it is, or is to be, connected (either directly or indirectly) to that system; and an approval under this subsection may be subject to compliance with any conditions as to the apparatus or its connection or use specified in the approval.

(3) Any power conferred by subsection (1) or (2) to issue an approval includes power, exercisable in the like manner and

PART I

subject to the like conditions or limitations, to vary or withdraw any approval issued in the exercise of that power.

(4) If it appears to the Secretary of State that the Corporation is showing undue preference to, or is exercising undue discrimination against, any person or persons of any class or description as respects—

(a) the connection to any telecommunication system run by the Corporation of subscriber's apparatus which is approved for the purposes of this section ; or

(b) the charges or other terms and conditions applicable to the connection to any such system of any such apparatus,

he may, after consultation with the Corporation, give it such directions as appear to him to be requisite to secure that it ceases to do so.

(5) Notice of an approval or the variation or withdrawal of an approval under subsection (1) shall be published in such manner as appears to the Secretary of State to be appropriate.

(6) For the purposes of a standard approved under subsection (1), the definition of a description of subscriber's apparatus may be framed by reference to any circumstances whatever.

(7) In this section and section 21 "subscriber's apparatus" means apparatus owned by or supplied to a person other than the Corporation ; and references to subscriber's apparatus which, in relation to any telecommunication system run by the Corporation, is approved for the purposes of this section are references to such apparatus which either—

(a) conforms to a standard approved under subsection (1) ;
or

(b) is itself approved under subsection (2),
in relation to that system.

(8) For the purposes of this Part, any apparatus a function of which is—

(a) to emit sounds or signals with a view to their being conveyed by a telecommunication system ; or

(b) to receive sounds or signals which have been so conveyed,

shall be treated as connected to a telecommunication system at any time if, at that time, sounds or signals emitted by it are being conveyed by that system or, as the case may be, it is receiving sounds or signals which have been so conveyed ; and references to apparatus which is to be, or is capable of being, connected to a telecommunication system shall be construed accordingly.

17.—(1) Where it appears to the Secretary of State expedient that apparatus which is capable of being connected (either directly or indirectly) to a telecommunication system should be marked with or accompanied by any information or instruction relating to the apparatus or its connection or use, the Secretary of State may by order impose requirements for securing that the apparatus is so marked or accompanied, and regulate or prohibit the supply of such apparatus with respect to which the requirements are not complied with; and the requirements may extend to the form and manner in which the information or instruction is to be given.

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Information
etc. to be
marked on or
to accompany
apparatus.

(2) Where an order under this section is in force with respect to apparatus of any description, any person who, in the course of any trade or business, supplies or offers to supply apparatus of that description in contravention of the order shall, subject to section 19, be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(3) An order under this section may make different provision for different circumstances and may, in the case of apparatus supplied in circumstances where the information or instruction required by the order would not be conveyed until after delivery, require the whole or part thereof to be also displayed near the apparatus.

(4) Orders under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) For the purposes of this section a person exposing apparatus for supply or having apparatus in his possession for supply shall be deemed to offer to supply it.

(6) In this section and section 18 “supply” shall be construed in accordance with section 9 of the Consumer Safety Act 1978 c. 38. 1978 and, in the case of the Corporation, shall be construed as including supply in pursuance of a scheme made under section 21.

18.—(1) Where it appears to the Secretary of State expedient that any description of advertisements of apparatus which is capable of being connected (either directly or indirectly) to a telecommunication system should contain or refer to any information relating to the apparatus or its connection or use, the Secretary of State may by order require that such information be given in advertisements.

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tary of State may by order impose requirements as to the inclusion of that information, or an indication of the means by which it may be obtained, in such description of advertisements of the apparatus as may be specified in the order.

(2) Where an advertisement of any apparatus to be supplied in the course of any trade or business fails to comply with any requirement imposed under this section, any person who publishes the advertisement shall, subject to section 19, be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum ;

(b) on conviction on indictment, to a fine.

(3) An order under this section may specify the form and manner in which any information or indication required by the order is to be included in advertisements of any description and may make different provision for different circumstances.

(4) Orders under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In this section “advertisement” includes a catalogue, a circular and a price list.

Offences due
to default of
third person.

19.—(1) Where the commission by any person of an offence under section 17 or 18 is due to the act or default of some other person, that other person shall be guilty of the offence ; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

(2) In any proceedings for an offence under section 17 or 18 it shall, subject to subsection (3), be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(3) Where the defence provided by subsection (2) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(4) In any proceedings for an offence under section 18 it shall be a defence for the person charged to prove that he is a person whose business it is to publish or arrange for the publication

of advertisements and that he received the advertisement for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under that section.

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20.—(1) A relevant authority shall have power to purchase apparatus, and to authorise any of their officers to purchase apparatus on their behalf, for the purpose of ascertaining whether sections 17 and 18 and orders made under those sections (in this section referred to as “the relevant provisions”) are being complied with. Enforcement provisions.

(2) Every local weights and measures authority in Great Britain shall have power to enforce the relevant provisions within their area; but nothing in this subsection shall be construed as authorising a local weights and measures authority in Scotland to institute proceedings for an offence.

(3) In this section “relevant authority” means—

- (a) in relation to Great Britain, the Secretary of State or a local weights and measures authority on whom a power to enforce the relevant provisions is conferred by subsection (2);
- (b) in relation to Northern Ireland, the Department of Commerce for Northern Ireland; and
- (c) in relation to the Isle of Man, the Board of Consumer Affairs.

Charges and other terms and conditions applicable to services

21.—(1) Subject to subsection (2), the Corporation may make, as respects any of the services provided by it, a scheme for determining either or both of the following, namely— Schemes for determining charges and other terms and conditions applicable to services.

- (a) the charges which (save in so far as they are the subject of an agreement between it and a person availing himself of those services) are to be made by it; and
- (b) the other terms and conditions which (save as aforesaid) are to be applicable to those services.

(2) No provision shall be included in any scheme made under this section—

- (a) for amending the rules of law with respect to evidence;
 - (b) for imposing liability on any person for loss or damage suffered by the Corporation by reason of the connection to any telecommunication system run by the Corporation of any subscriber’s apparatus which is for the time being approved for the purposes of section 16;
- or

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(c) for limiting any liability of the Corporation for loss or damage, other than a liability arising by virtue of section 22.

(3) A scheme made under this section may, as respects the services to which it relates, adopt such system for the determination of the charges or other terms and conditions or (as the case may be) the charges and other terms and conditions that are to be applicable as may appear desirable and, in particular and without prejudice to the generality of the foregoing words, may, in all or any cases, leave the determination thereof to the Corporation subject to such (if any) conditions and limitations as may be provided for in the scheme.

(4) A scheme made under this section may, as respects the services to which it relates, specify the manner in which, time at which and person by whom the charges that are to be applicable are to be paid.

(5) A scheme made under this section may make different provision for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme.

(6) A charge exigible by virtue of this section may be recovered by the Corporation in any court of competent jurisdiction and, except in Scotland, may be so recovered as if it were a simple contract debt.

(7) A scheme made under this section may revoke or amend any previous scheme so made.

(8) A scheme made under this section shall come into operation on such day as is specified therein, not being earlier than the day after that on which publication of the scheme in the London, Edinburgh and Belfast Gazettes has been effected; and conclusive evidence of a scheme so made may be given, in all courts of justice and in all legal proceedings whatsoever, by the production of a copy of any of those Gazettes purporting to contain it.

**Deemed
contracts in
certain cases.**

22.—(1) Where, in pursuance of a scheme made under section 21, the Corporation supplies apparatus to any person for use in connection with services provided by it, then, notwithstanding anything in the scheme, the Corporation shall be deemed for all purposes to have contracted for the hire of that apparatus to that person.

(2) Where, in pursuance of a scheme made under section 21, the Corporation accedes to an application made by any person for the inclusion of a special entry in a telecommunication directory, then, notwithstanding anything in the scheme, the Corporation shall be deemed for all purposes to have contracted with that person for the inclusion of that entry.

(3) The express terms and conditions of a contract which, by virtue of subsection (1) or (2), is deemed to have been made shall be such of the terms and conditions contained in the scheme as are applicable; but any such terms and conditions which limit the liability of the Corporation shall not be regarded, for the purposes of section 29(1) of the Unfair Contract Terms Act 1977, as authorised by necessary implication of section 21(2)(c).

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(4) In this section—

“special entry” means any entry for which a special charge is made;

“telecommunication directory” means a directory for use in connection with a telecommunication service.

Limitation of liability

23.—(1) No proceedings in tort shall lie against the Corporation in respect of any loss or damage suffered by any person by reason of—

Exclusion of certain liabilities in tort in relation to telecommunications.

(a) failure to provide, or delay in providing, a telecommunication service, apparatus associated therewith or a service ancillary thereto;

(b) failure, interruption, suspension or restriction of a telecommunication service or a service ancillary thereto or delay of, or fault in, communication by means of a telecommunication service; or

(c) error in, or omission from, a directory for use in connection with a telecommunication service.

(2) No employee of the Corporation shall be subject, except at the suit of the Corporation, to any civil liability for any loss or damage in the case of which liability of the Corporation therefor is excluded by subsection (1).

(3) No person engaged in or about—

(a) the receipt or collection in material form of communications which are to be transmitted by means of a system run by the Corporation; or

(b) the delivery in material form of communications which have been so transmitted,

and no employee, agent or sub-contractor of such a person shall be subject, except at the suit of the Corporation, to any civil liability for loss or damage in the case of which liability of the Corporation therefor is excluded by subsection (1).

(4) In the application of subsection (1) to Scotland, the reference to proceedings in tort shall be construed in the same way as in section 43(b) of the Crown Proceedings Act 1947.

1947 c. 44.

PART I**Finance**

General duty of the Corporation as to finance.

24.—(1) It shall be the duty of the Corporation so to exercise its powers as to secure that the combined revenues of the Corporation and all its wholly owned subsidiaries taken together are not less than sufficient—

- (a) to meet all their combined charges properly chargeable to revenue account, taking one year with another ; and
- (b) to enable the Corporation and its wholly owned subsidiaries to make such allocations to reserve as the Corporation considers adequate, and as may be necessary to comply with any directions given by the Secretary of State under section 25.

(2) The Secretary of State may from time to time determine, with the approval of the Treasury and after consultation with the Corporation, as respects such period as he may so determine, the financial objectives which, having regard to the duty imposed on it by subsection (1), he considers it is reasonable for the Corporation to achieve in that period ; and—

- (a) different determinations may be made for different periods and in relation to different assets and different activities of the Corporation ; and
- (b) the Secretary of State may, with the like approval and after such consultation as aforesaid, vary or revoke a determination under this section in respect of any period by a further determination.

(3) A determination under subsection (2)—

- (a) may relate to a period beginning before the date on which it is made ; and
- (b) may contain incidental or supplemental provisions.

(4) The Secretary of State shall give notice in writing to the Corporation of any determination under subsection (2).

(5) The Corporation shall conduct its affairs during any period in respect of which a determination has been made under subsection (2) with a view to achieving the financial objectives specified by the determination as for the time being in force.

Reserves of the Corporation and its wholly owned subsidiaries.

25.—(1) The Secretary of State may from time to time, after consultation with the Corporation and with the approval of the Treasury, give to the Corporation directions—

- (a) requiring it to allocate to reserve generally, or to reserve for a particular purpose, or to cause any of its wholly owned subsidiaries so to allocate, either a specified amount or such amount as the Corporation considers adequate ;

- (b) requiring it to re-allocate for a specified purpose, or to cause any of its wholly owned subsidiaries so to re-allocate, the whole or any part of any amount previously allocated by the Corporation or subsidiary, as the case may be, to reserve for some other purpose ; or
- (c) with respect to the application by the Corporation or any of its wholly owned subsidiaries of amounts allocated to reserve.

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(2) Directions under subsection (1) requiring the allocation of any amount to reserve may provide for it to be so allocated either at a specified time or during the course of a specified period.

26.—(1) The Corporation may borrow temporarily, by way of overdraft or otherwise,—

- (a) in sterling from the Secretary of State ; or
- (b) with the consent of the Secretary of State and the approval of the Treasury, in sterling or a currency other than sterling from a person other than the Secretary of State,

Borrowing powers of the Corporation and its wholly owned subsidiaries.

such sums as may be required for meeting the obligations and discharging the functions of the Corporation or any of its wholly owned subsidiaries.

(2) The Corporation may borrow, otherwise than by way of temporary loan,—

- (a) in sterling from the Secretary of State ; or
- (b) with the consent of the Secretary of State and the approval of the Treasury, in sterling or a currency other than sterling from a person other than the Secretary of State,

such sums as may be required by the Corporation or any of its wholly owned subsidiaries for all or any of the purposes mentioned in subsection (3).

(3) The said purposes are—

- (a) provision of money for meeting any expenses incurred by the Corporation or any of its subsidiaries in connection with any works the cost of which is chargeable to capital account ;
- (b) provision of working capital required by it or any such subsidiary ;
- (c) subscription for, or acquisition of, securities of an incorporated company or other body corporate, promotion of the formation of an incorporated company or participation in the promotion of such a company

B

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or acquisition of an undertaking or part of an undertaking ;

- (d) repayment of any money borrowed by it or any such subsidiary and repayment of any sums issued by the Treasury in fulfilment of a guarantee under section 29 ;
- (e) any other purpose for which capital moneys are properly applicable.

(4) The Corporation may borrow from any of its wholly owned subsidiaries without any consent, approval or other authority.

(5) References in this section and section 27 to borrowing by the Corporation do not include references to receiving any money in its capacity as the provider of any services or the supplier of any apparatus, or using money received in that capacity.

(6) It shall be the duty of the Corporation to secure that none of its wholly owned subsidiaries borrows otherwise than from the Corporation or from another of its wholly owned subsidiaries except with the consent of the Secretary of State and the approval of the Treasury.

(7) A person lending money to the Corporation shall not be concerned to inquire whether the borrowing of the money is legal or regular or whether the money raised was properly applied and shall not be prejudiced by any illegality or irregularity or by the misapplication or non-application of any of the money.

(8) This section shall come into operation on the appointed day.

Limitation of indebtedness.

27.—(1) The Corporation shall not have power to borrow money except in accordance with section 26.

(2) The aggregate amount outstanding, otherwise than by way of interest, in respect of—

- (a) money borrowed by the Corporation or any of its wholly owned subsidiaries, other than money borrowed on excluded loans ; and
- (b) sums issued by the Treasury in fulfilment of guarantees under section 29,

shall not at any time exceed £5,000 million or such greater sum, not exceeding £6,500 million, as the Secretary of State may from time to time by order specify.

(3) A loan is an excluded loan for the purposes of subsection (2) if it consists of money borrowed—

- (a) by the Corporation from one of its wholly owned subsidiaries ; or

(b) by one of its wholly owned subsidiaries from another such subsidiary or from the Corporation.

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(4) An order under subsection (2) shall be made by statutory instrument, and no such order shall be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament.

28.—(1) The Secretary of State may, with the approval of the Treasury, lend to the Corporation any sums which it has power to borrow under section 26(1) or (2). Loans by the Secretary of State to the Corporation.

(2) Any loans which the Secretary of State makes under this section shall be repaid to him at such times and by such methods and interest thereon shall be paid to him at such rates and at such times as he may, with the approval of the Treasury, from time to time direct.

(3) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans under this section.

(4) Any sums received under subsection (2) by the Secretary of State shall be paid into the National Loans Fund.

29.—(1) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, and the payment of interest on, any sums which the Corporation borrows from a person other than the Secretary of State. Treasury guarantees.

(2) Immediately after a guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

(3) Any sums required by the Treasury for fulfilling a guarantee under this section shall be charged on and issued out of the Consolidated Fund.

(4) If any sums are issued in fulfilment of a guarantee given under this section, the Corporation shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments, of such amounts as the Treasury may so direct, in or towards repayment of the sums so issued and payments of interest on what is outstanding for the time being

PART I in respect of sums so issued at such rate as the Treasury may so direct.

(5) Any sums received under subsection (4) by the Treasury shall be paid into the Consolidated Fund.

Accounts of the Secretary of State with reference to the Corporation's indebtedness to him.

30. The Secretary of State shall, as respects each financial year, prepare in such form and manner as the Treasury may direct, an account of—

- (a) sums received by him under subsection (2) of section 28 ;
- (b) sums issued to him under subsection (3) of that section ;
- (c) sums received by him as mentioned in paragraph 9(5) of Schedule 4 (interest on, or repayment of, the Corporation's assumed debt) ; and
- (d) the disposal by him of those sums respectively,

and send it to the Comptroller and Auditor General not later than the end of November following the year ; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

The Corporation's accounts, and audit thereof

The Corporation's accounts and audit thereof.

31.—(1) Subject to the following provisions of this section, it shall be the duty of the Corporation—

- (a) to keep proper accounts and proper records in relation thereto ;
- (b) to prepare in respect of each accounting year a statement of accounts giving a true and fair view of the state of affairs and profit or loss of the Corporation ; and
- (c) to prepare in respect of each accounting year such a statement or statements of consolidated accounts dealing with, and giving a true and fair view of the state of affairs and profit or loss of,—
 - (i) the Corporation and all of its subsidiaries (in this section referred to as “ the group ”) ; or
 - (ii) some but not all the members of the group, as the Corporation may determine and the Secretary of State and the Treasury may for the time being approve.

(2) If the Secretary of State with the consent of the Treasury so requires the Corporation by notice in writing, the Corporation shall, in respect of any accounting year to which the notice relates, comply with its obligation under subsection (1)(c), so far as it relates to those members of the group which are

specified in the notice, by preparing a statement of consolidated accounts dealing with the members of the group specified in the notice and giving a true and fair view of their state of affairs and profit or loss.

(3) Every statement of accounts prepared by the Corporation in accordance with this section shall comply with any requirement which the Secretary of State has, after consultation with the Corporation and with the consent of the Treasury, notified in writing to the Corporation relating to—

- (a) the information to be contained in the statement ;
- (b) the manner in which that information is to be presented ; and
- (c) the methods and principles according to which the statement is to be prepared.

(4) Subject to any requirement notified to the Corporation under subsection (3), in preparing any statement of accounts in accordance with this section, the Corporation shall follow with respect to each of the matters specified in paragraphs (a) to (c) of that subsection, such course as may for the time being be approved by the Secretary of State with the consent of the Treasury.

(5) If the Secretary of State after consultation with the Corporation so directs in relation to an accounting year of the Corporation, that accounting year shall end on such date as may be specified in the direction (whether before or after the date on which it would otherwise end).

(6) The accounts kept, and all statements prepared, by the Corporation under this section shall be audited by auditors appointed for each accounting year by the Secretary of State after consultation with the Corporation.

(7) A person shall not be qualified for appointment under subsection (6) unless he is a member of one or more bodies of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State ; but a 1948 c. 38. Scottish firm may be so appointed if each of the partners therein is qualified to be so appointed.

(8) As soon as the accounts kept, and the statements prepared, by the Corporation under this section have been audited, the Corporation shall send to the Secretary of State—

- (a) a copy of the statements ;
- (b) copies of the statements of accounts for such of its subsidiaries as the Corporation may, with the approval of the Secretary of State and the consent of the Treasury, determine ; and

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- (c) if the Secretary of State with the consent of the Treasury so requires by notice in writing, copies of the statements of accounts for each subsidiary of the Corporation which is specified in the notice,

together with a copy of any report made by the auditors on the statements or on the accounts of the Corporation ; and the Secretary of State shall lay a copy of every statement and report of which a copy is received by him in pursuance of this subsection before each House of Parliament.

Pensions

Duty of the Corporation to provide pensions.

32.—(1) The Corporation shall, in the case of such of its employees as it may determine,—

- (a) pay such pensions to or in respect of them ;
 (b) make such payments towards the provision of such pensions ; or
 (c) establish and maintain such schemes (whether contributory or not) for the payment of such pensions,

as it may determine.

(2) Where a person participating in a scheme under this section as an employee of the Corporation becomes a member of the Corporation—

- (a) he may be treated for the purposes of the scheme as if his service as a member were service as an employee ; and
 (b) his rights under the scheme shall not be affected by paragraph 5(1)(b) of Schedule 1.

Power of the Secretary of State to make orders about pensions.

33.—(1) Under this section (in which “ Post Office scheme ” means a pension scheme established by the Post Office under section 43 of the 1969 Act and “ Corporation scheme ” means a pension scheme established by the Corporation under section 32) the Secretary of State may make orders providing for all or any of the following matters, namely—

- (a) the requiring or enabling of any persons to whom this section applies to participate or continue to participate in any Post Office or Corporation scheme ;
 (b) the transfer of rights and liabilities as respects any persons to whom this section applies from trustees of a Post Office scheme to trustees of a Corporation scheme ;
 (c) the requiring of persons who are both trustees of a Post Office scheme and trustees of a Corporation scheme to hold the whole or any part of a pension fund held for the purposes of the Post Office scheme partly for those

purposes and partly for the purposes of the Corporation scheme ;

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- (d) the transfer to investment trustees appointed both in pursuance of a Post Office scheme and a Corporation scheme of the whole or any part of a pension fund held for the purposes of either of those schemes or partly for the purposes of one and partly for the purposes of the other ;
- (e) the apportionment between trustees of a Post Office scheme and trustees of a Corporation scheme of a pension fund held for the purposes of the Post Office scheme or partly for the purposes of that scheme and partly for the purposes of the Corporation scheme ;
- (f) the apportionment of payments payable under section 47 of the 1969 Act to trustees appointed by the Post Office for the purposes of that section between those trustees and trustees appointed by the Corporation for the purposes of that section ; and
- (g) any matter supplemental or incidental to or consequential on any of the matters aforesaid, including the amendment of any statutory provision, any contract of employment and any trust deed, rules or other instrument made for the purposes of a Post Office or Corporation scheme ;

but nothing in this section shall authorise the making of provision for the diversion of any part of a pension fund, or any part of a payment payable under the said section 47, to purposes other than the payment, or purposes connected with the payment, of pensions to or in respect of persons to whom this section applies.

(2) This section applies to—

- (a) any employee of the Corporation or any of its subsidiaries ;
- (b) any member of the Corporation who immediately before he became such a member was participating in a Post Office scheme ;
- (c) any person who ceases or ceased to be employed by the Post Office before the appointed day and as respects whom any liability of the Post Office under a Post Office scheme or section 43 or 46 of the 1969 Act is transferred to the Corporation by this Act ; and
- (d) any person who ceased to be a civil servant before 1st October 1969 and as respects whom any liability of the Post Office under section 44 of that Act is so transferred.

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(3) An order under this section shall be so framed as to secure that no person other than the Post Office, the Corporation or any of the Corporation's subsidiaries is placed in a worse position than he would have been in if the order had not been made.

An order shall not be invalid by reason that in fact it does not secure that result; but if the Secretary of State is satisfied or it is determined as hereinafter mentioned that an order has failed to secure that result, the Secretary of State shall as soon as possible make the necessary amending order.

Any dispute arising as to whether or not the said result has been secured shall be referred to and determined by an industrial tribunal.

(4) An order under this section may be made so as to have effect from a date prior to the making thereof, so however that so much of any order as provides that any provision thereof is to have effect from a date prior to the making of the order shall not place any person other than the Post Office, the Corporation or any of the Corporation's subsidiaries in a worse position than he would have been in if the order had been made to have effect only from the date of its making.

(5) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Pensions of employees and former employees of Cable and Wireless Limited and certain other persons.

1949 c. 39.

34.—(1) Subsection (2) of section 6 of the Commonwealth Telegraphs Act 1949 (which provides for the making of regulations with respect to the payment of pensions to, or in respect of, employees of Cable and Wireless Limited) shall have effect as if, in paragraph (c) and sub-paragraphs (iv), (v) and (vi) of paragraph (d), references which include references to the Post Office included references to the Corporation.

(2) The power to make regulations conferred on the Secretary of State by section 49 of the 1969 Act (pensions of former employees of Cable and Wireless Limited and certain other persons) shall include power to make such regulations as appear to him to be requisite for securing that the persons to whom that section applies, and persons claiming in right of them, are not adversely affected in the matter of pension rights by reason only that, in consequence of this Act, they cease to be employed by the Post Office.

Rating

Rating in England and Wales.
1974 c. 7.

35.—(1) In Schedule 3 to the Local Government Act 1974 (hereditaments to which section 19(1) of that Act applies) paragraph 5(a) (hereditaments occupied by the Post Office by

certain property used for the purposes of telecommunication services) shall be omitted, and after paragraph 5 there shall be inserted the following paragraph—

“ 5A. Any hereditament occupied by British Telecommunications by any such property as follows, namely, posts, wires, underground cables and ducts, telephone kiosks and other equipment not within a building, being property used for the purposes of telecommunication services.”

(2) No proposal shall be made under section 69 of the General Rate Act 1967 for the alteration of a value which, by virtue of an order made under the said section 19, is shown in a list as the rateable value of any hereditament occupied by the Corporation by any such property as aforesaid.

(3) For the purposes of the law relating to rating, the Corporation shall be treated as not being a public utility undertaking.

(4) Expressions used in this section and in the General Rate Act 1967 have the same meanings in this section as in that Act.

(5) This section extends to England and Wales only.

36.—(1) In paragraph 5 of Schedule 1 to the Local Government (Scotland) Act 1975 (lands and heritages to which section 6 (1) of that Act applies and occupied by the Post Office by certain property used for the purposes of telecommunication services) for the words “ the Post Office ” there shall be substituted the words “ British Telecommunications ”.

(2) This section extends to Scotland only.

37.—(1) For the purposes of any valuation list in force on or after the appointed day the Secretary of State may by order determine the aggregate amount of the net annual value of the following hereditaments occupied by the Corporation for the purposes of telecommunication services, namely, posts, wires, underground cables and ducts, telephone kiosks and other equipment not within a building.

(2) The Secretary of State shall, after consultation with the Corporation and such associations of district councils and such district councils as he considers appropriate, make an order under subsection (1) for the purpose of any valuation list in force on or after 1st April in a relevant year.

(3) The aggregate amount determined under subsection (1) shall be apportioned by the Commissioner of Valuation for Northern Ireland in the valuation list prepared by him among the districts of the district councils in such manner as the Secretary of State may by order prescribe.

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(4) An order under subsection (1) may, if the Secretary of State thinks fit, provide, with respect to each of the years subsequent to the first with respect to which the order has effect or with respect to such of those years as may be specified in the order—

- (a) for the aggregate amount referred to in that subsection to be re-determined in manner prescribed by the order ;
- or
- (b) for the apportioned parts of that amount to be varied in manner so prescribed ;

and, where such an order includes such provision as is authorised by paragraph (a) to be included therein, the aggregate amount, as re-determined in accordance with the order, shall be apportioned among the districts of the district councils in which the hereditaments in question are situate in like manner as that amount, as determined by the order, was apportioned.

(5) Where an order under this section includes any such provision as is authorised by subsection (4) to be included therein it may further include provision for effecting such alterations in net annual values shown in the valuation list as are rendered requisite in consequence of an apportionment effected by virtue of that subsection or a variation effected by virtue of the order and for any incidental, supplementary or consequential matters for which it appears to the Secretary of State requisite to provide for the purposes of the order.

S.I. 1979/1573
(N.I. 12).
1946 c. 36.

(6) An order under this section shall be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 which shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

(7) In this section “ relevant year ” means—

- (a) the year 1983 ;
- (b) the calendar year in which a general revaluation first comes into force ;
- (c) each successive fifth year after 1983 unless a year such as is mentioned in paragraph (b) has occurred within the preceding five years.

(8) This section extends to Northern Ireland only.

Land

Compulsory
purchase of
land in
England and
Wales.
1946 c. 49.

38.—(1) The Secretary of State may authorise the Corporation to purchase compulsorily any land in England and Wales which is required by it for, or in connection with, the exercise of its powers or as to which it can reasonably be foreseen that it will be so required ; and the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory purchase of

land in England and Wales by the Corporation as if the Corporation were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act.

(2) The power of purchasing land compulsorily in this section shall include power to acquire, by the creation of a new right, an easement or other right over land, other than land which would, for the purposes of the said Act of 1946, form part of a common, open space or fuel or field garden allotment.

39.—(1) The Secretary of State may authorise the Corporation to purchase compulsorily any land in Scotland which is required for, or in connection with, the exercise of its powers or as to which it can be reasonably foreseen that it will be so required; and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to the compulsory purchase of land in Scotland by the Corporation as if the Corporation were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act.

Compulsory purchase of land in Scotland.
1947 c. 42.

(2) The power of purchasing land compulsorily in this section shall include power to acquire, by the creation of a new right, a servitude or other right over land, other than land which would, for the purposes of the said Act of 1947, form part of a common or open space.

40.—(1) Where the Corporation proposes to acquire, otherwise than by agreement, any land in Northern Ireland required by it for, or in connection with, the exercise of its powers or as to which it can reasonably be foreseen that it will be so required, it may apply to the Secretary of State for an order vesting that land in it, and the Secretary of State shall have power to make such an order.

Compulsory purchase of land in Northern Ireland.

(2) For the purposes of the acquisition of land by means of a vesting order under this section, Schedule 6 to the Local Government Act (Northern Ireland) 1972 and Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972 (as amended by any enactment of Northern Ireland legislation passed or made before the passing of this Act) are hereby incorporated in this Act subject to the modifications specified in subsection (3).

1972 c. 9.
(N.I.)
S.I. 1972/1265
(N.I. 14)

(3) The said modifications are as follows—

- (a) for any reference in the said Schedule 6 to a council there shall be substituted a reference to the Corporation;
- (b) for any reference in either Schedule to the Ministry there shall be substituted a reference to the Secretary of State;

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- (c) for any reference in either Schedule to the Act or Order in question there shall be substituted a reference to this Act ;
- (d) in paragraph 6(2) of the said Schedule 6, for the words from “ the fund ” onwards there shall be substituted the words “ funds of British Telecommunications (in this Schedule referred to as ‘ the compensation fund ’) and shall be discharged by payments made by British Telecommunications ” ; and
- (e) in paragraph 12(2) of that Schedule for the words “ the clerk of the council ” there shall be substituted the words “ such person as may be designated for the purposes of this Schedule by British Telecommunications ”.

1919 c. 57. (4) The Acquisition of Land (Assessment of Compensation) Act 1919 shall, in its application to any land vested in the Authority by an order made under this section, have effect as amended by the Lands Tribunal and Compensation Act (Northern Ireland) 1964.

1964 c. 29.
(N.I.)

1954 c. 33.
(N.I.) (5) In this section “ land ” has the meaning assigned to it by section 45(1)(a) of the Interpretation Act (Northern Ireland) 1954.

Entry, for
exploratory
purposes, on
land in
England and
Wales.

41.—(1) A person duly authorised in writing by the Corporation may, at any reasonable time, enter upon and survey any land in England and Wales other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of its business.

1971 c. 78.

(2) Sections 280(9) and 281(1) to (3) and (6) of the Town and Country Planning Act 1971 (which contain supplementary provisions relating to the powers of entry conferred by section 280(1) to (8) thereof) shall have effect in relation to the power conferred by this section as they have effect in relation to the powers conferred by the said section 280, subject however to the following modifications, namely—

- (a) that section 280(9) (which relates to power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein) shall so have effect as if the words “ or the presence of minerals therein ” were omitted ; and
- (b) that section 281(1) (which requires twenty-four hours’ notice to be given of an intended entry upon occupied land) shall so have effect as if for the words “ twenty-four hours ” there were substituted the words “ twenty-eight days ”.

(3) Where, in an exercise of the power conferred by this section, any damage is caused to land or to chattels, any person interested in the land or chattels may recover from the Corporation compensation in respect of the damage ; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or chattels, he may recover from the Corporation compensation in respect of the disturbance.

(4) Section 179 of the said Act of 1971 (which provides for the determination of disputes as to compensation under Part VIII of that Act) shall apply to any question of disputed compensation under this section.

(5) This section shall come into operation on the appointed day.

42.—(1) A person duly authorised in writing by the Corporation may, at any reasonable time, enter upon and survey any land in Scotland, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of its business. Entry, for exploratory purposes, on land in Scotland.

(2) Sections 265(8) and 266(1) to (3) and (6) of the Town and Country Planning (Scotland) Act 1972 (supplementary provisions as to powers of entry) shall have effect in relation to the power conferred by this section as they have effect in relation to the powers conferred by the said section 265, subject however to the following modifications, namely—

- (a) that section 266(1) (twenty-four hours' notice to be given of an intended entry upon occupied land) shall so have effect as if for the words " twenty-four hours " there were substituted the words " twenty-eight days " ; and
- (b) that section 265(8) (power to search and bore for minerals etc.) shall so have effect as if the words " or the presence of minerals therein " were omitted.

(3) Where, in an exercise of the power conferred by this section, any damage is caused to land or to corporeal moveables, any person interested in the land or corporeal moveables may recover from the Corporation compensation in respect of the damage ; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or corporeal moveables, he may recover from the Corporation compensation in respect of the disturbance.

(4) Any question arising under this section as to the effect of damage or as to the amount of compensation shall, in the case of dispute, be determined by arbitration, and the reference in

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such an arbitration shall be to a single arbiter to be appointed by agreement between the parties or, in default of an agreement, by the Secretary of State.

(5) This section shall come into operation on the appointed day.

Entry, for
exploratory
purposes, on
land in
Northern
Ireland.

43.—(1) A person duly authorised in writing by the Corporation may, at any reasonable time, enter upon and survey any land in Northern Ireland, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use for the purposes of its business.

1965 c. 23.
(N.I.)

(2) Section 40(2) to (5) and (8) of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (which contain supplementary provisions relating to the power of entry conferred by subsection (1) of that section) shall have effect in relation to the power conferred by this section as they have effect in relation to the power conferred by the said subsection (1), subject however to the following modifications, namely—

(a) that section 40(2) (which relates to power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein) shall so have effect as if the words “or the presence of minerals therein” were omitted; and

(b) that section 40(3)(b) (which requires three days’ notice to be given of an intended entry upon occupied land) shall so have effect as if for the word “three” there were substituted the word “twenty-eight”.

(3) Where, in an exercise of the power conferred by this section any damage is caused to land or to chattels, any person interested in the land or chattels may recover from the Corporation compensation in respect of the damage; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or chattels, he may recover from the Corporation compensation in respect of the disturbance.

(4) Section 31 of the said Act of 1965 (which provides for the determination of disputes as to compensation under Part III of that Act) shall apply to any question of disputed compensation under this section.

(5) This section shall come into operation on the appointed day.

Acquisition of
land by
agreement.
1965 c. 56.

44.—(1) For the purpose of the acquisition by the Corporation by agreement of land in England and Wales, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 27 and section 31 shall apply.

(2) For the purpose of the acquisition by the Corporation by agreement of land in Scotland, section 109(2) of the Town and Country Planning (Scotland) Act 1972 (incorporation of Lands Clauses Acts) shall, with any necessary modifications, apply for the purposes of this Act as it applies for the purposes of that Act. PART I
1972 c. 52.

(3) For the purpose of the acquisition by the Corporation by agreement of land in Northern Ireland, the Lands Clauses Acts shall be incorporated with this Act except for sections 127 to 133 (sale of superfluous land) and sections 150 and 151 (access to the special Act) of the Lands Clauses Consolidation Act 1845. 1845 c. 18.

45.—(1) The Chancellor and Council of the Duchy of Lancaster may, if they think fit, agree with the Corporation for the sale, and absolutely make sale, for such sum of money as appears to them to be sufficient consideration for the same, of any land belonging to Her Majesty in right of the Duchy of Lancaster which the Corporation seeks to acquire in exercise of the power conferred on it by virtue of section 2(3)(e). Miscellaneous
provisions
relating to
land.

(2) A person dealing with the Corporation in respect of land shall not be bound or entitled to inquire whether the consent of the Treasury to any previous dealing with the land was requisite or whether, if it was, it was given.

(3) Land vested in the Corporation by virtue of this Part shall be deemed for all purposes to have been acquired by it for the purposes of its undertaking.

Offences

46. A person who without due authority affixes or attempts to affix any placard, advertisement, notice, list, document, board or thing in or on any office, telegraph post or other property belonging to or used by the Corporation shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50. Prohibition
of affixing
placards,
notices etc. on
the
Corporation's
property.

47.—(1) A person who—

(a) assaults or intentionally obstructs an employee of the Corporation in the execution of his duty; or

(b) whilst in any office of the Corporation or premises belonging to or used with any such office, intentionally obstructs the course of business of the Corporation,

Assaults etc.
on employees
of the
Corporation.

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(2) Any person employed by the Corporation may require any person guilty of an offence under subsection (1) to leave such office or premises and, if the person so required refuses or fails to

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comply with the requirement, he shall be liable on summary conviction to a further fine not exceeding £200 and may be removed by any employee of the Corporation, and any constable shall on demand remove or assist in removing any such person.

Fraudulent use of public telecommunication system.

48.—(1) A person who dishonestly uses a public telecommunication system with intent to avoid payment (including any such system provided, under licence, otherwise than by the Corporation) shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both ; and
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(2) This section shall come into operation on the appointed day.

Improper use of public telecommunication system.

49.—(1) A person who—

- (a) sends, by means of a public telecommunication system (including any such system provided, under a licence, otherwise than by the Corporation), a message or other matter that is grossly offensive or of an indecent, obscene or menacing character ; or
- (b) sends by those means, for the purpose of causing annoyance, inconvenience or needless anxiety to another, a message that he knows to be false or persistently makes use for that purpose of a public telecommunication system,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(2) This section shall come into operation on the appointed day.

Obligation of secrecy.

50.—(1) Information obtained by a person in the course of the provision for another, by virtue of this Part, of data processing services or services connected therewith shall not, without the consent of that other, be disclosed by the first-mentioned person except for the purpose of performing his duties in relation to those services or in such cases as may be required by law.

(2) A person who discloses information in contravention of subsection (1) shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both ;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

51.—(1) Where a body corporate is guilty of an offence under this Part and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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Offences by
bodies
corporate etc.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

52. Proceedings for any offence under this Part punishable on summary conviction may be commenced at any time within twelve months next after the commission of the offence.

Summary
proceedings.

Miscellaneous

53.—(1) A certificate of the Corporation that a specified sum is due to it from a specified person under provisions of a scheme made under section 21 with respect to telecommunication services shall, in any proceedings instituted by it against him or his personal representatives or against it by him or his personal representatives, be evidence (and, in Scotland, sufficient evidence) of that fact.

Documentary
evidence as
to sums due
for services.

(2) A certificate of the Corporation that a specified sum is due to it from a specified person under an agreement with respect to telecommunication services provided by it shall (subject to any term of the agreement to the contrary), in any proceedings instituted by it against him or his personal representatives or against it by him or his personal representatives, be evidence (and, in Scotland, sufficient evidence) of that fact.

(3) In any proceedings instituted by or against the Corporation to which the rate at which a charge was levied at any time, in respect of a service, by an authority outside the British Islands is material, a certificate of the Corporation that the charge was levied at that rate at that time in respect of that service by that authority shall be evidence (and, in Scotland, sufficient evidence) of that fact.

54. The Corporation may reimburse the Secretary of State the whole or any part of a sum paid by him by way of contribution towards the expenses of an international organisation of which Her Majesty's Government in the United Kingdom is a member, being an organisation concerned with activities which the Corporation has power to carry on.

Reimburse-
ment by the
Corporation
of certain
contributions
to international
organisations.

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Power of local authorities to contribute towards new offices or facilities.

55.—(1) Where a local authority consider that it would be for the benefit of the whole or any part of their area that—

- (a) any telecommunications office should be established ; or
- (b) any additional telecommunication facilities should be provided,

by the Corporation, whether within or outside the area to be benefited, the authority may undertake to pay to the Corporation any loss it may sustain by reason of the establishment or maintenance of the office or the provision of the facilities.

(2) In the application of this section to England and Wales, references in subsection (1) to a local authority include references to a parish or community council.

(3) In the application of this section to Scotland, nothing in subsection (1) shall authorise the giving of an undertaking as respects the establishment of an office or the provision of facilities outside the area to be benefited.

Records.
1958 c. 51.

56.—(1) The Public Records Act 1958 shall, as from the appointed day, have effect as if the Corporation were included amongst the bodies and establishments set out in Part II of the Table at the end of paragraph 3 of Schedule 1 to that Act.

(2) The Secretary of State shall have power by order to vest in the Corporation the property in such records of the department of the Postmaster General as may be specified or described in the order, and to give to the Corporation, with respect to records in the case of which the property therein has been vested in the Corporation by an order under this subsection, such directions as he thinks fit for securing that they are available to the Crown for inspection and copying.

Interpretation
and extent
of Part I.

57.—(1) In this Part—

“ accounting year ” means, subject to section 31(5) and paragraph 22 of Schedule 4, the period beginning with the appointed day and ending with the next following 31st March or each subsequent period of twelve months beginning with the end of a previous accounting year ;

“ the British Islands ” means the United Kingdom and the Isle of Man ;

“ local authority ”—

(a) in relation to England and Wales, means a county council, the Greater London Council, a district council, a London borough council or the Common Council of the City of London ;

(b) in relation to Scotland, means a regional, islands or district council ;

(c) in relation to Northern Ireland, means a district council, the Northern Ireland Housing Executive, the Northern Ireland Electricity Service or an Education and Library Board ;

“ national health service authority ”—

(a) in relation to England and Wales, means a Regional Health Authority, Area Health Authority, District Health Authority, special health authority, Family Practitioner Committee or board of governors of a teaching hospital ;

(b) in relation to Scotland, means a Health Board or the Common Services Agency for the Scottish Health Service constituted under the National Health Service (Scotland) Act 1978 c. 29 ;

(c) in relation to Northern Ireland, means a Health and Social Services Board, the Northern Ireland Central Services Agency for the Health and Social Services or the Northern Ireland Staffs Council for the Health and Social Services established under the Health and Personal Social Services (Northern Ireland) Order 1972 ;

S.I. 1972/1265
(N.I. 14)

“ telecommunication system ” shall be construed in accordance with section 12(1).

(2) Any reference in this Part to data processing shall be construed as including a reference to the storage and retrieval of information.

(3) Nothing in this Part shall be taken to restrict the construction of references to the Corporation’s business so as to exclude the performance of services which, by virtue of section 2(1)(b), (c) or (d), it has power to perform.

(4) Subject to subsection (6), this Part, except section 55 and any provision which, by its terms, is limited in its operation to a part of the United Kingdom, shall extend to the Isle of Man ; and sections 12, 17, 18, 48 and 50 shall have effect, in their application to the Isle of Man, with the substitution of references to information for references to indictment.

(5) This Part, except sections 3, 7 to 9, 11 to 23, 46 to 53 and 55 and any provision which, by its terms, is limited in its operation to a part of the United Kingdom, shall extend to the Channel Islands.

(6) In the event of the conclusion of an agreement between the Secretary of State and the Government of the Isle of Man providing for—

(a) the surrender by the Corporation, as regards that Isle, of the privilege conferred on the Corporation by section 12(1) ; and

PART I

- (b) the administration in that Isle of telecommunication services by, or under the authority of, that Government instead of by the Corporation,

Her Majesty may by Order in Council make such provision as it appears to Her requisite or expedient to make in order to give effect to the agreement or in consequence of the conclusion thereof, including, in particular, provision for the amendment or repeal of enactments (including enactments contained in this Act) or other instruments.

PART II

THE POST OFFICE

Powers and duties of the Post Office

Powers of the Post Office.

58.—(1) For paragraphs (a) to (d) of subsection (1) of section 7 of the 1969 Act (powers of the Post Office) there shall be substituted the following paragraphs—

- “ (a) to provide postal services (including cash on delivery services) and telepost services ;
 (b) to provide banking services and such other services by means of which money may be remitted (whether by means of money orders, postal orders or otherwise) as it thinks fit ;
 (c) to perform services for British Telecommunications or any subsidiary of British Telecommunications ;
 (d) to perform services for Her Majesty’s Government in the United Kingdom, Her Majesty’s Government in Northern Ireland or the government of a country or territory outside the United Kingdom ;
 (e) to perform services for local authorities or national health service authorities ”.

(2) At the end of that subsection there shall be inserted the words “ and

- (f) with the consent of, or in accordance with the terms of a general authorisation given by, the Secretary of State, to perform, in such parts of post offices as are open to the public for the transaction of postal business, such services for such bodies falling within subsection (1A) below as it thinks fit.”

(3) After that subsection there shall be inserted the following subsection—

“ (1A) The bodies referred to in subsection (1)(f) above are—

(a) any body corporate—

(i) which supplies goods or services by way of business ;

(ii) the affairs of which are managed by its members ; and

- PART II
- (iii) the members of which hold office as such by virtue of their appointment to that or another office by a Minister of the Crown under any enactment ;
- (b) the London Transport Executive and any passenger transport executive established under section 9(1)(b) of the Transport Act 1968 ; 1968 c. 73.
- (c) any statutory water undertaker within the meaning of the Water Act 1973 ; 1973 c. 37.
- (d) the British Broadcasting Corporation ;
- (e) any body corporate with a statutory duty to promote and assist the maintenance and development of the efficient supply of any goods or services by a body falling within paragraphs (a) to (d) above ; or
- (f) any wholly owned subsidiary of a body falling within paragraphs (a) to (e) above ;

but the Secretary of State may by order made by statutory instrument exclude from this subsection such bodies or bodies of such descriptions as may be specified in the order."

(4) At the end of section 86(1) of that Act (interpretation of Part III) there shall be inserted the following definitions—

“ ‘ telecommunication system ’ shall be construed in accordance with section 12(1) of the British Telecommunications Act 1981 ;

‘ telepost service ’ means a service whereby the Post Office does all or any of the following things, namely—

(a) receives or collects in material form communications which are to be transmitted by means of a telecommunication system ;

(b) transmits by means of such a system communications which have been received or collected, or are to be delivered, in material form ; and

(c) delivers in material form communications which have been transmitted by means of such a system.”

(5) Subsections (1) and (4) shall come into operation on the appointed day.

59.—(1) It shall be the duty of the Post Office (consistently with any directions given to it under the provisions of Part III of the 1969 Act or this Part) so to exercise its powers as to provide throughout the United Kingdom (save in so far as they are provided by other persons or the provision thereof is, in its opinion, General duty of the Post Office.

PART II

impracticable or not reasonably practicable) such services for the conveyance of letters as satisfy all reasonable demands for them.

(2) It shall also be the duty of the Post Office, in exercising its powers, to have regard to—

- (a) efficiency and economy ;
- (b) the social, industrial and commercial needs of the United Kingdom with respect to matters that are subserved by its powers ;
- (c) the desirability of improving and developing its operating systems ; and
- (d) developments in the fields of communications and banking.

(3) Subsection (1) shall not be taken to preclude the Post Office from interrupting, suspending or restricting, in the case of emergency, any service provided by it.

(4) Nothing in this section shall be construed as imposing upon the Post Office, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

(5) This section shall come into operation on the appointed day.

Redistribution of property, rights and liabilities among wholly owned subsidiaries.

60.—(1) Subject to subsection (5) the Post Office may make schemes—

- (a) for the reorganisation, amalgamation or dissolution of any of its wholly owned subsidiaries ;
- (b) for the transfer, between the Post Office and any such subsidiary or between one such subsidiary and another, of any specified property, rights or liabilities, or of all property, rights and liabilities comprised in a specified part of the transferor's undertaking.

(2) A scheme under subsection (1) may contain such supplementary, incidental and consequential provisions as may appear to the Post Office to be necessary or expedient.

(3) Without prejudice to the generality of subsection (2), a scheme under subsection (1)(b) which transfers to a subsidiary property, rights and liabilities comprised in a part of the transferor's undertaking concerned with the provision of services which, by virtue of the provisions of this Part, the Post Office has the exclusive privilege of providing may provide that such enactments relating to the provision of those services as may be specified in the scheme shall apply in relation to the subsidiary (but only so long as it remains a wholly owned subsidiary of the Post Office) as they apply in relation to the Post Office.

(4) Without prejudice to any power conferred on it by any other enactment, the Post Office may establish subsidiaries for the purposes of schemes under subsection (1)(b).

(5) A scheme under subsection (1) shall not come into force unless it has been approved by the Secretary of State or until such date as the Secretary of State may in giving his approval specify; and the Secretary of State may approve a scheme either without modifications or with such modifications as, after consultation with the Post Office, he thinks fit.

(6) Notice of the coming into force of a scheme under subsection (1)(b) which contains such provision as is mentioned in subsection (3) shall be published by the Post Office—

- (a) if the scheme relates in whole or in part to England and Wales, in the London Gazette;
- (b) if the scheme relates in whole or in part to Scotland, in the Edinburgh Gazette; and
- (c) if the scheme relates in whole or in part to Northern Ireland, in the Belfast Gazette.

(7) Subject to subsection (8), in the case of any scheme under subsection (1)(b) the property, rights and liabilities in question shall on the date of the coming into force of the scheme be transferred, and by virtue of the scheme vest, in accordance with the scheme.

(8) Schedule 2 shall apply to any transfer under subsection (7) subject to any reference in that Schedule to a transfer by or a vesting by virtue of this Act being construed as a reference to a transfer by or a vesting by virtue of the scheme in question, and that subsection shall have effect subject to the provisions of that Schedule.

61.—(1) As regards any wholly owned subsidiary of the Post Office, the Post Office shall so exercise the rights conferred on it by the holding of its interests therein as to secure that no person is elected chairman of the board of directors of the subsidiary except after consultation with the Secretary of State as to his suitability for election. Control of wholly owned subsidiaries.

(2) As regards any wholly owned subsidiary of the Post Office, the Post Office shall secure that, notwithstanding anything in the subsidiary's memorandum or articles of association, the subsidiary does not—

- (a) engage in any activity which the Post Office itself has no power to engage in or has power to engage in only with the consent of the Secretary of State;
- (b) issue any of its shares, stock or debentures to a person other than—
 - (i) the Post Office or another wholly owned subsidiary of the Post Office; or

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(ii) a person who is to hold them as a nominee of the Post Office or of a wholly owned subsidiary of the Post Office ; or

(c) transfer any interest of the subsidiary in another wholly owned subsidiary of the Post Office to a person not within paragraph (b)(i) or (ii),

except with the consent of, or in accordance with the terms of any general authority given by, the Secretary of State.

(3) As regards any wholly owned subsidiary of the Post Office, the Post Office shall not transfer any of its interest therein to a person other than—

(a) another wholly owned subsidiary of the Post Office ; or

(b) a person who is to hold it as a nominee of the Post Office or of a wholly owned subsidiary of the Post Office,

except with the consent of, or in accordance with a general authorisation given by, the Secretary of State.

(4) As regards any wholly owned subsidiary of the Post Office, the Post Office shall secure that the subsidiary seeks consultation with any organisation appearing to the subsidiary to be appropriate with a view to the conclusion between it and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

(a) the settlement of terms and conditions of employment of persons employed by the subsidiary ;

(b) the promotion and encouragement of measures affecting efficiency in the carrying on by the subsidiary of its activities, including, in particular, the promotion and encouragement of the training of persons employed by the subsidiary ; and

(c) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the subsidiary.

Powers of the Secretary of State over the Post Office

General control and supervision by the Secretary of State.

62.—(1) For subsection (1) of section 11 of the 1969 Act (which provides for general control and supervision of the Post Office by the Secretary of State) there shall be substituted the following subsections—

“ (1) The Post Office shall give effect to any direction given to it by the Secretary of State under the provisions of this Part of this Act or Part II of the British Telecommunications Act 1981 and shall secure, so far as appropriate, that each of its wholly owned subsidiaries also gives effect to any such direction.

(1A) The Secretary of State may, after consultation with the Post Office, give to it such directions of a general character as to the exercise by it of its powers as appear to the Secretary of State to be requisite in the national interest."

(2) In subsection (4) of that section—

(a) after the words "Post Office" where first occurring there shall be inserted the words "or any wholly owned subsidiary of its";

(b) for the words "the following provisions of this Part of this Act" there shall be substituted the words "the provisions of Part II of the said Act of 1981"; and

(c) for the words "it ceases so to do" there shall be substituted the words "the Post Office or subsidiary ceases so to do".

(3) For subsection (5) of that section there shall be substituted the following subsections—

"(5) The Secretary of State may, after consultation with the Post Office, direct the Post Office—

(a) to make a scheme under subsection (1) of section 60 of the said Act of 1981, or to exercise its powers under subsection (4) of that section, for such purposes and in such manner as may be specified in the direction; or

(b) to dispose of any part of its undertaking or any assets held by it or to exercise its control over any wholly owned subsidiary of its so as to cause the subsidiary to dispose of any part of its undertaking or any assets held by it;

but the Secretary of State shall not give any direction under paragraph (b) above unless he is satisfied that he will not thereby impede or prevent the proper discharge of the Post Office's duty under section 59(1) of the said Act of 1981.

(5A) The Secretary of State shall lay before each House of Parliament a copy of every direction given under subsection (5) above unless he is of opinion that disclosure of the direction is against—

(a) the interests of national security; or

(b) the commercial interests of any person."

(4) In subsection (6) of that section—

(a) for the word "directions" there shall be substituted the word "direction"; and

(b) for the words "it is against the interests of national security to do so" there shall be substituted the words "disclosure of the direction is against—

(i) the interests of national security; or

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(ii) the commercial interests of a person other than the Post Office and its wholly owned subsidiaries”.

(5) Subsection (7) of that section shall be omitted.

(6) For subsection (9) of that section there shall be substituted the following subsection—

“ (9) The Post Office, in such manner and at such times as the Secretary of State may specify in writing to it, shall furnish him with such information—

(a) as he may so specify, and

(b) as the Post Office has or can reasonably be expected to obtain,

with respect to such matters relating to the Post Office or its subsidiaries or the activities (past, present or future), plans or properties of any of them as the Secretary of State may so specify.”

(7) In subsection (10) of that section, for the words “performance by it of its functions” there shall be substituted the words “performance by it and its subsidiaries of its and their functions”.

(8) In subsection (11) of that section—

(a) for the word “section” there shall be substituted the words “Part of this Act or Part II of the said Act of 1981”; and

(b) for the words “subsection (6) above” there shall be substituted the words “subsection (6)(a) above”.

(9) This section shall come into operation on the appointed day.

Activities
requiring
consultation
with the
Secretary of
State.

63.—(1) The Post Office shall consult with the Secretary of State before it and all of its wholly owned subsidiaries taken together (in this section referred to as “the group”) during any accounting year construct, manufacture or produce, for the relevant purpose, things of any kind to an extent substantially greater than that to which the group constructed, manufactured or produced, for that purpose, things of that kind during the relevant period.

(2) The Post Office shall also consult with the Secretary of State before the group during any accounting year constructs, manufactures or produces to a substantial extent, for the relevant purpose, things of a kind that the group did not construct, manufacture or produce for that purpose during the three accounting years immediately preceding that year.

(3) In this section—

“the relevant period” means, in relation to things of any kind and any accounting year, whichever of the three

accounting years immediately preceding that year was the one in which the group constructed, manufactured or produced, for the relevant purpose, things of that kind to the greatest extent ;

“ the relevant purpose ” means the purpose of—

(a) use by the Post Office or any of its wholly owned subsidiaries ;

(b) supply by the Post Office or any of its wholly owned subsidiaries to British Telecommunications or a subsidiary of British Telecommunications ; or

(c) supply by the Post Office or any of its wholly owned subsidiaries to outside persons for use by such persons in connection with services provided by the Post Office or any of its wholly owned subsidiaries ;

and for the purposes of this section the assembly of an article in the course of its installation at the place where it is to be used shall not be taken to constitute its manufacture, construction or production.

(4) This section shall come into operation on the appointed day.

64.—(1) Neither the Post Office nor any of its wholly owned subsidiaries shall, except with the approval of the Secretary of State, construct, manufacture, produce or purchase, otherwise than for the relevant purpose, things of any kind to a substantial extent. Activities requiring approval of the Secretary of State.

(2) The Secretary of State—

(a) may give approval for the purposes of subsection (1) subject to such conditions (if any) as he may think fit ; and

(b) notwithstanding the giving of approval, may at any time, after consultation with the Post Office, direct it to discontinue or, as the case may be, to exercise its control over any of its wholly owned subsidiaries so as to require the subsidiary to discontinue, any activity that the Post Office or, as the case may be, the subsidiary is carrying on with approval.

(3) The Secretary of State shall publish, in such manner as he thinks fit, particulars of any approval given by him under subsection (1).

(4) In carrying on any activities to which subsection (1) applies, the Post Office shall act as if it were a company engaged in a commercial enterprise, and it shall so exercise its control over each of its wholly owned subsidiaries that carries on any such activities as to ensure that the subsidiary so acts.

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(5) In this section “the relevant purpose” has the same meaning as in section 63.

(6) This section shall come into operation on the appointed day.

Post Office Users' Councils

Power to provide that certain services shall no longer be referable to Post Office Users' Councils.

65.—(1) The Secretary of State may, after consultation with the Post Office and the Post Office Users' National Council, provide by order made by statutory instrument that as from such date as may be specified in the order references in sections 14 and 15 of the 1969 Act to services provided by, or main services of, the Post Office shall not include references to such services as may be so specified, not being services which, by virtue of the provisions of this Part of this Act, the Post Office has the exclusive privilege of providing.

(2) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Exclusive privilege of the Post Office with respect to the conveyance etc. of letters

Exclusive privilege of the Post Office with respect to the conveyance etc. of letters.

66.—(1) Subject to the following provisions of this Part, the Post Office shall have throughout the United Kingdom the exclusive privilege of conveying letters from one place to another and of performing all the incidental services of receiving, collecting and delivering letters.

(2) A person who—

(a) does any act, or performs any service, which infringes the exclusive privilege conferred on the Post Office by subsection (1); or

(b) causes to be conveyed, or tenders or delivers in order to be conveyed, any letter by any means which infringes that privilege,

shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(4) Where a body corporate is guilty of an offence under this section and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting

to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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Where the affairs of a body corporate are managed by its members, this subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(5) In this section and section 67—

“correspondent”, in relation to a letter or other communication, means the sender or the addressee ;

“employee”, in relation to a body corporate, includes any officer or director of the body corporate and any other person taking part in its management, and “employer” and other cognate expressions shall be construed accordingly ;

“letter” means any communication in written form which—

(a) is directed to a specific person or address ;

(b) relates to the personal, private or business affairs of, or the business affairs of the employer of, either correspondent ; and

(c) neither is to be nor has been transmitted by means of a telecommunication system,

and includes a packet containing any such communication ;

“sender”, in relation to any letter or other communication, means the person whose communication it is.

(6) References in the 1953 Act, the 1969 Act or this Part to services which, by virtue of the provisions of this Part, the Post Office has the exclusive privilege of providing are references to services the provision of which by a person other than the Post Office would necessarily infringe the privilege conferred by subsection (1) ; and for this purpose licences granted under section 68(1) shall be disregarded.

67.—(1) The privilege conferred on the Post Office by section 66(1) is not infringed by—

(a) the conveyance and delivery of a letter personally by the sender ;

(b) the conveyance and delivery of a letter by a personal friend of the sender ;

(c) the conveyance and delivery of a letter by a messenger sent for the purpose by either correspondent ;

General classes of acts not infringing the postal privilege.

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- (d) the conveyance of an overseas letter to an aircraft by a messenger sent for the purpose by the sender and the conveyance of that letter out of the United Kingdom by means of that aircraft ;
- (e) the conveyance and delivery of any document issuing out of a court of justice or of any return or answer thereto ;
- (f) the conveyance of letters from merchants who are the owners of a merchant ship or commercial aircraft, or of goods carried in such a ship or aircraft, by means of that ship or aircraft, and the delivery thereof to the addressees by any person employed for the purpose by those merchants, so however that no payment or reward, profit or advantage whatever is given or received for the conveyance or delivery of those letters ;
- (g) the conveyance and delivery of letters by any person, being letters concerning and for delivery with goods carried by that person, so however that no payment or reward, profit or advantage whatever is given or received for the conveyance or delivery of those letters ;
- (h) the conveyance and delivery to the Post Office of pre-paid letters for conveyance and delivery by the Post Office to the addressees, and the collection of such letters for that purpose ;
- (i) the conveyance and delivery of letters by a person who has a business interest in those letters, and the collection of letters for that purpose ;
- (j) the conveyance and delivery of banking instruments from one bank to another or from a bank to a government department, and the collection of such instruments for that purpose ;
- (k) the collection, conveyance and delivery of coupons or other entry forms issued by authorised promoters in connection with established competitions.

(2) Nothing in paragraphs (a) to (g) of subsection (1) shall authorise any person to make a collection of letters for the purpose of their being conveyed in any manner authorised by those paragraphs.

(3) For the purposes of paragraph (i) of subsection (1) a person has a business interest in a letter if, and only if—

- (a) he is an employee of one of the correspondents or of a member of the same group as one of the correspondents and the letter relates to the business affairs of that correspondent ; or
- (b) he and one of the correspondents are employees of the same person or of different members of the same group

and the letter relates to the business affairs of that person or, as the case may be, the employer of that correspondent.

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(4) In this section—

“ authorised promoter ” means—

- (a) a registered football pool promoter ;
- (b) a person who is or has at any time been an associate (within the meaning of section 184 of the Consumer Credit Act 1974) of such a promoter ; or 1974 c. 39.
- (c) a registered pool promoter to whom a certificate has been granted under section 1 of the Pool Competitions Act 1971 ; 1971 c. 57.

“ bank ” means—

- (a) the Bank of England ;
- (b) a recognised bank or licensed institution within the meaning of the Banking Act 1979 ; 1979 c. 37.
- (c) the Post Office or a trustee savings bank ; or
- (d) the central bank of a member State other than the United Kingdom ;

“ banking instrument ” means—

- (a) any cheque or other instrument to which section 4 of the Cheques Act 1957 applies ; 1957 c. 36.
- (b) any document issued by a public officer which is intended to enable a person to obtain payment from a government department of the sum mentioned in the document ;
- (c) any bill of exchange not falling within paragraph (a) or (b) or any promissory note ;
- (d) any postal order or money order ;
- (e) any credit transfer, credit advice or debit advice ; or
- (f) any list of items, or any copy of an item, falling within the foregoing paragraphs ;

“ established competition ”, in relation to an authorised promoter, means a competition which is of the same kind as or is broadly similar to a competition held by him before the passing of this Act ;

“ government department ” includes any Minister of the Crown and any Northern Ireland department ;

“ group ” means a body corporate and all of its wholly owned subsidiaries taken together ;

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“overseas letter” means a letter which is directed to a specific person or address outside the United Kingdom ;

“pre-paid letter” includes any letter which, in pursuance of arrangements made with the Post Office, does not require to be pre-paid ;

1963 c. 2.

“registered pool promoter” has the meaning assigned by section 4(2) of the Betting, Gaming and Lotteries Act 1963, and “registered football pool promoter” shall be construed accordingly ;

“ship” includes any boat, vessel or hovercraft.

Saving for things done under a licence.

68.—(1) A licence may be granted by the Secretary of State after consultation with the Post Office, either unconditionally or subject to any conditions specified in the licence, and either irrevocably or subject to revocation as therein specified, for the doing of any such act or the performance of any such service falling within subsection (1) of section 66 as is specified in the licence ; and anything done under and in accordance with a licence granted under this subsection shall not constitute an infringement of the privilege conferred by that subsection.

(2) A licence granted under subsection (1) shall, unless previously revoked in accordance with any term in that behalf contained in the licence, continue in force for such period as may be specified therein.

(3) A licence granted under subsection (1) may be granted either to persons of a class or to a particular person, and may include (without prejudice to the power to impose conditions conferred by that subsection) conditions requiring the rendering to the Secretary of State or the Post Office or both of a payment on the grant of the licence or periodic payments during the currency of the licence or both.

(4) A payment required by virtue of this section to be rendered to any person may be recovered by that person in any court of competent jurisdiction and, except in Scotland, may be so recovered as if it were a simple contract debt.

(5) A licence granted under subsection (1) to persons of a class shall be published in such manner as appears to the Secretary of State to be appropriate for bringing it to the attention of the persons for whose benefit it will enure, and a licence expressed to be so granted must be in writing.

(6) For the purposes of a licence granted under subsection (1) above, the definition of a class of persons may be framed by reference to any circumstances whatever.

(7) Any sums received by the Secretary of State under this section shall be paid into the Consolidated Fund.

69.—(1) The Secretary of State may, after consultation with the Post Office, by order suspend the exclusive privilege conferred on the Post Office by section 66(1) for such a period and to such extent as may be specified in the order.

PART II
Suspension of
the postal
privilege.

(2) For the purposes of an order made under this section, any definition of a class of letters may be framed by reference to any circumstances whatever ; and in this subsection “ letter ” has the same meaning as in section 66.

(3) An order under this section may contain such supplementary, incidental and consequential provisions as may appear to the Secretary of State to be necessary or expedient.

(4) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Limitation of liability

70.—(1) In subsection (1) of section 30 of the 1969 Act (the Post Office to be subject to limited liability in respect of registered inland packets) for the words “ registered inland packet ” there shall be substituted the words “ packet to which this section applies ”.

The Post
Office to be
subject to
limited
liability in
respect of
certain
inland
packets.

(2) For subsection (3) of that section there shall be substituted the following subsection—

“ (3) The amount recoverable in any proceedings under this section in relation to a packet of any description shall not exceed—

- (a) the market value of the packet at the time when the cause of action arises ; or
- (b) the maximum amount payable under a scheme made under section 28 of this Act for compensating the person aggrieved in respect of a packet of that description ;

and for the purposes of paragraph (a) above the market value of a packet shall not include the market value of any message or information which it bears or the market value of any item which, in relation to packets of that description, is excluded from the operation of this section by a scheme made under section 28 of this Act.”

(3) In subsection (4) of that section after the word “ packet ”, in the first place where it occurs, there shall be inserted the words “ of any description ” and for the words “ registered inland packets ” there shall be substituted the words “ packets of that description at the time when they are posted ”.

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(4) After subsection (6) of that section there shall be inserted the following subsection—

“ (6A) For the purposes of this section a scheme made under section 28 of this Act may define a description of packet by reference to any circumstances whatever, including in particular the amount of any fee paid in respect of the packet in pursuance of the scheme.”

(5) In subsection (7) of that section—

(a) after the definition of “ inland packet ” there shall be inserted the following definition—

“ ‘ packet to which this section applies ’ means any inland packet in respect of which, in pursuance of a scheme made under section 28 of this Act, the Post Office accepts liability under this section ; ” ; and

(b) in the definition of “ sender ” for the words “ registered inland packets ” there shall be substituted the words “ packets to which this section applies ”.

(6) In subsection (1) of section 28 of that Act (schemes for determining charges and other terms and conditions applicable to services) after the words “ but so that ” there shall be inserted the words “ except as provided by section 30(3) of this Act ”.

(7) At the end of subsections (2) and (3) of section 29 of that Act (exclusion of liability of employees etc. of the Post Office) there shall be inserted the words “ or any loss of, or damage to, a packet to which the next following section applies ”.

(8) This section shall come into operation on the appointed day.

Finance

General duty
of the Post
Office as to
finance.

71.—(1) It shall be the duty of the Post Office so to exercise its powers as to secure that the combined revenues of the Post Office and all its wholly owned subsidiaries together are not less than sufficient—

(a) to meet all their combined charges properly chargeable to revenue account, taking one year with another ; and

(b) to enable the Post Office and its wholly owned subsidiaries to make all such allocations to reserve as the Post Office considers adequate, and as may be necessary to comply with any directions given by the Secretary of State under section 72.

(2) The Secretary of State may from time to time determine, with the approval of the Treasury and after consultation with the Post Office, as respects such period as he may so determine,

the financial objectives which, having regard to the duty imposed on it by subsection (1), he considers it is reasonable for the Post Office to achieve in that period ; and —

- (a) different determinations may be made for different periods and in relation to different assets and different activities of the Post Office ; and
- (b) the Secretary of State may, with the like approval and after such consultation as aforesaid, vary or revoke a determination under this section in respect of any period by a further determination.

(3) A determination under subsection (2)—

- (a) may relate to a period beginning before the date on which it is made ; and
- (b) may contain incidental or supplemental provisions.

(4) The Secretary of State shall give notice in writing to the Post Office of any determination under subsection (2).

(5) The Post Office shall conduct its affairs during any period in respect of which a determination has been made under subsection (2) with a view to achieving the financial objectives specified by the determination as for the time being in force.

72.—(1) The Secretary of State may from time to time, after consultation with the Post Office and with the approval of the Treasury, give to the Post Office directions—

Reserves of the Post Office and its wholly owned subsidiaries.

- (a) requiring it to allocate to reserve generally, or to reserve for a particular purpose, or to cause any of its wholly owned subsidiaries so to allocate, either a specified amount or such amount as the Post Office considers adequate ; or
- (b) requiring it to re-allocate for a specified purpose, or to cause any of its wholly owned subsidiaries so to re-allocate, the whole or any part of any amount previously allocated by the Post Office or subsidiary, as the case may be, to reserve for some other purpose ; or
- (c) with respect to the application by the Post Office or any of its wholly owned subsidiaries of amounts allocated to reserve.

(2) Directions under subsection (1) requiring the allocation of any amount to reserve may provide for it to be so allocated either at a specified time or during the course of a specified period.

PART II
Borrowing
powers of the
Post Office and
its wholly
owned
subsidiaries.

73.—(1) The Post Office may borrow temporarily, by way of overdraft or otherwise,—

- (a) in sterling from the Secretary of State ; or**
- (b) with the consent of the Secretary of State and the approval of the Treasury, in sterling or a currency other than sterling from a person other than the Secretary of State,**

such sums as may be required for meeting the obligations and discharging the functions of the Post Office or any of its wholly owned subsidiaries.

(2) The Post Office may borrow, otherwise than by way of temporary loan,—

- (a) in sterling from the Secretary of State ; or**
- (b) with the consent of the Secretary of State and the approval of the Treasury, in sterling or a currency other than sterling from a person other than the Secretary of State,**

such sums as may be required by the Post Office or any of its wholly owned subsidiaries for all or any of the purposes mentioned in subsection (3).

(3) The said purposes are—

- (a) provision of money for meeting any expenses incurred by the Post Office or any of its subsidiaries in connection with any works the cost of which is chargeable to capital account ;**
- (b) provision of working capital required by it or any such subsidiary ;**
- (c) subscription for, or acquisition of, securities of an incorporated company or other body corporate, promotion of the formation of an incorporated company or participation in the promotion of such a company or acquisition of an undertaking or part of an undertaking ;**
- (d) repayment of any money borrowed by it or any such subsidiary and repayment of any sums issued by the Treasury in fulfilment of a guarantee under section 38 of the 1969 Act ;**
- (e) repayment of any part of the debt assumed by it under section 33 of that Act ; and**
- (f) any other purpose for which capital moneys are properly applicable.**

(4) The Post Office may borrow from any of its wholly owned subsidiaries without any consent, approval or other authority.

(5) References in this section and section 74 to borrowing by the Post Office do not include references to receiving any money in its capacity as the provider of any services or the supplier of any apparatus, or using money received in that capacity.

(6) It shall be the duty of the Post Office to secure that none of its wholly owned subsidiaries borrows otherwise than from the Post Office or from another of its wholly owned subsidiaries except with the consent of the Secretary of State and the approval of the Treasury.

(7) A person lending money to the Post Office shall not be concerned to inquire whether the borrowing of the money is legal or regular or whether the money raised was properly applied and shall not be prejudiced by any illegality or irregularity or by the misapplication or non-application of any of the money.

(8) This section shall come into operation on the appointed day.

74.—(1) The Post Office shall not have the power to borrow money except in accordance with section 73. Limitation of indebtedness.

(2) The aggregate of—

(a) the amount outstanding, otherwise than by way of interest, in respect of—

(i) money borrowed by the Post Office or any of its wholly owned subsidiaries, other than money borrowed on excluded loans ;

(ii) sums issued by the Treasury in fulfilment of guarantees under section 38 of the 1969 Act ; and

(iii) the debt assumed by the Post Office under section 33 of that Act ; and

(b) sums received by it under section 3(1) of the Post Office (Banking Services) Act 1976 (public dividend capital), shall not at any time exceed £1,200 million or such greater sum, not exceeding £1,700 million, as the Secretary of State may from time to time by order specify. 1976 c. 10.

(3) A loan is an excluded loan for the purposes of subsection (1) if it consists of money borrowed—

(a) by the Post Office from one of its wholly owned subsidiaries ; or

(b) by one of its wholly owned subsidiaries from another such subsidiary or from the Post Office.

(4) An order under subsection (2) shall be made by statutory instrument, and no such order shall be made unless a draft

PART II thereof has been approved by a resolution of the Commons House of Parliament.

(5) This section shall come into operation on the appointed day.

The Post Office's accounts and audit thereof.

75.—(1) Subject to the following provisions of this section, it shall be the duty of the Post Office—

- (a) to keep proper accounts and proper records in relation thereto ;
- (b) to prepare in respect of each accounting year a statement of accounts giving a true and fair view of the state of affairs and profit or loss of the Post Office ; and
- (c) to prepare in respect of each accounting year such a statement or statements of consolidated accounts dealing with, and giving a true and fair view of the state of affairs and profit or loss of,—
 - (i) the Post Office and all of its subsidiaries (in this section referred to as “ the group ”) ; or
 - (ii) some but not all the members of the group, as the Post Office may determine and the Secretary of State and the Treasury may for the time being approve.

(2) If the Secretary of State with the consent of the Treasury so requires the Post Office by notice in writing, the Post Office shall, in respect of any accounting year to which the notice relates, comply with its obligation under subsection (1)(c), so far as it relates to those members of the group which are specified in the notice, by preparing a statement of consolidated accounts dealing with the members of the group specified in the notice and giving a true and fair view of their state of affairs and profit or loss.

(3) Every statement of accounts prepared by the Post Office in accordance with this section shall comply with any requirement which the Secretary of State has, after consultation with the Post Office and with the consent of the Treasury, notified in writing to the Post Office relating to—

- (a) the information to be contained in the statement ;
- (b) the manner in which that information is to be presented ; and
- (c) the methods and principles according to which the statement is to be prepared.

(4) Subject to any requirement notified to the Post Office under subsection (3), in preparing any statement of accounts in accordance with this section, the Post Office shall follow,

with respect to each of the matters specified in paragraphs (a) to (c) of that subsection, such course as may for the time being be approved by the Secretary of State with the consent of the Treasury.

(5) If the Secretary of State after consultation with the Post Office so directs in relation to an accounting year of the Post Office, that accounting year shall end on such date as may be specified in the direction (whether before or after the date on which it would otherwise end).

(6) The accounts kept, and all statements prepared, by the Post Office under this section shall be audited by auditors appointed for each accounting year by the Secretary of State after consultation with the Post Office.

(7) A person shall not be qualified for appointment under subsection (6) unless he is a member of one or more bodies of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State; but a Scottish firm may be so appointed if each of the partners therein is qualified to be so appointed. 1948 c. 38.

(8) As soon as the accounts kept, and the statements prepared, by the Post Office under this section have been audited, the Post Office shall send to the Secretary of State—

(a) a copy of the statements ;

(b) copies of the statements of accounts for such of its subsidiaries as the Post Office may, with the approval of the Secretary of State and the consent of the Treasury, determine ; and

(c) if the Secretary of State with the consent of the Treasury so requires by notice in writing, copies of the statements of accounts for each subsidiary of the Post Office which is specified in the notice,

together with a copy of any report made by the auditors on the statements or on the accounts of the Post Office ; and the Secretary of State shall lay a copy of every statement and report of which a copy is received by him in pursuance of this subsection before each House of Parliament.

(9) This section shall come into operation on the appointed day.

Pensions

76.—(1) The Secretary of State may make orders under this section providing for either or both of the following matters, namely—

(a) the enabling of employees of any of the Post Office's subsidiaries to participate or continue to participate in

Power of the Secretary of State to make orders about pensions.

PART II

any pension scheme established by the Post Office under section 43 of the 1969 Act ; and

- (b) any matter supplemental or incidental to or consequential on the matter aforesaid, including the amendment of any statutory provision and any trust deed, rules or other instrument made for the purposes of such a scheme ;

but nothing in this section shall authorise the making of provision for the diversion of any part of a pension fund to purposes other than the payment of pensions to or in respect of employees of any of the Post Office's subsidiaries.

(2) An order under this section shall be so framed as to secure that no person other than the Post Office or any of its subsidiaries is placed in a worse position than he would have been in if the order had not been made.

An order shall not be invalid by reason that in fact it does not secure that result ; but if the Secretary of State is satisfied or it is determined as hereinafter mentioned that an order has failed to secure that result, the Secretary of State shall as soon as possible make the necessary amending order.

Any dispute arising as to whether or not the said result has been secured shall be referred to and determined by an industrial tribunal.

(3) An order under this section may be made so as to have effect from a date prior to the making thereof, so however that so much of any order as provides that any provision thereof is to have effect from a date prior to the making of the order shall not place any person other than the Post Office or any of its subsidiaries in a worse position than he would have been in if the order had been made to have effect only from the date of its making.

(4) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Miscellaneous

Delivery
boxes.
1953 c. 36.

77. For paragraph (c) of section 87(2) (delivery of postal packets) of the Post Office Act 1953 (in this Act referred to as "the 1953 Act") there shall be substituted the following paragraph—

" (c) the delivery of a postal packet—

- (i) at the premises to which it is addressed or redirected, except they be a post office from which it is to be collected ;

(ii) to any box or receptacle to which the occupier of those premises has agreed that postal packets addressed to persons at those premises may be delivered; or

PART II

(iii) to the addressee's servant or agent or to some other person considered to be authorised to receive the packet,

shall be a delivery to the addressee."

78.—(1) This Part shall be construed as one with Part III of the 1969 Act.

Interpretation
and extent
of Part II.

(2) This Part, except sections 59 and 63 to 70, shall extend to the Isle of Man and the Channel Islands.

PART III

MISCELLANEOUS AND GENERAL

79.—(1) The Treasury after consultation with the Secretary of State may at any time dispose of their interest in all or any of the shares of Cable and Wireless Limited in consideration of such sums as the Treasury may fix; and after any such disposal section 1(1) of the Imperial Telegraphs Act 1938 and section 3(5) of the Cable and Wireless Act 1946 (which require the payment into the Exchequer of dividends paid on the said shares) shall not apply to dividends so paid in respect of the shares to which the disposal relates.

Powers of
Treasury to
dispose etc.
of the shares
of Cable and
Wireless
Limited.
1938 c. 57.
1946 c. 82.

(2) The Treasury after consultation with the Secretary of State may at any time—

- (a) acquire an interest in any shares or stock of Cable and Wireless Limited or any of its subsidiaries or in any rights to subscribe for any such shares; and
- (b) dispose of an interest so acquired in consideration of such sum as the Treasury may fix.

(3) Any sums required by the Treasury for making an acquisition under subsection (2) shall be paid out of moneys provided by Parliament; and any sums received by the Treasury in consideration of a disposal made under subsection (1) or (2), or by way of dividend or otherwise in right of any interest acquired by them under subsection (2), shall be paid into the Consolidated Fund.

80.—(1) In section 3 of the Telegraph Act 1863 for the definition of "telegraph" there shall be substituted the following definition—

Amendment
of the
Telegraph
Acts.

"The term 'telegraph' means—

- (a) any wire, cable, tube, pipe or other thing

1863 c. 112.

PART III

whatsoever used or intended to be used for the purpose of transmitting telegraphic messages or maintaining telegraphic communication ;

(b) any casing, coating, tube, pipe or other thing whatsoever enclosing or intended to enclose anything falling within paragraph (a) of this definition ; and

(c) any apparatus which is connected with any thing falling within the said paragraph (a) and is used or intended to be used for the purpose there mentioned.”

(2) For section 26 of the said Act of 1863 there shall be substituted the following section—

“Determination of objection by arbitration.

26.—(1) After the receipt by British Telecommunications of such a notice of objection, either party may require the objection to be referred to an arbitrator to be appointed, in default of agreement, by the President of the Chartered Institute of Arbitrators ; and the reasonable expenses and remuneration of the arbitrator shall be paid by British Telecommunications.

(2) In the application of this section and sections 27 to 29 and 33 of this Act to Scotland, any reference to an arbitrator shall be construed as a reference to an arbiter.

(3) The Arbitration Act (Northern Ireland) 1937, except the provisions set out in Schedule 3 to that Act, shall apply in relation to any arbitration under this section or section 33 of this Act in Northern Ireland as if the arbitration were pursuant to an arbitration agreement and as if this Act were such an agreement, except in so far as that Act is inconsistent with this Act.”

(3) In consequence of subsection (2)—

(a) in section 24 of the said Act of 1863 the words “ and send ” onwards shall be omitted ;

(b) in sections 27 to 29 of that Act for the words “ Board of Trade ”, wherever occurring, there shall be substituted the word “ arbitrator ” ;

(c) in section 33 of that Act for the words “ the Board of Trade ” there shall be substituted the words “ an arbitrator to be appointed, in default of agreement, by the President of the Chartered Institute of Arbitrators ; and the reasonable expenses and remuneration of the arbitrator shall be paid by British Telecommunications ” ; and

(d) section 34 of that Act shall be omitted.

(4) Subsection (1) shall extend to the Isle of Man ; and, subject to subsection (5), subsections (2) and (3) shall come into operation on the appointed day.

(5) Nothing in subsections (2) and (3) shall affect the operations of sections 26 to 29 and 34 of the said Act of 1863 in relation to any hearing begun before the appointed day.

81.—(1) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Corporation, the Post Office or any wholly owned subsidiary of either of those bodies as having been made or executed in pursuance of section 10 or Schedule 2 ; but no such instrument shall be deemed to be duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped. 1891 c. 39.

(2) Where the Commissioners of Inland Revenue are satisfied that the conditions specified in paragraph (a) or (b) of subsection (3) are fulfilled, stamp duty shall not be chargeable under section 47 of the Finance Act 1973 in respect of the amount which is to form the capital of a company or in respect of any increase in the capital of a company if or to the extent that the Commissioners are also satisfied— 1973 c. 51.

(a) in a case falling within paragraph (a) of subsection (3), that the total issued capital of the company, whether share capital or loan capital, on the relevant transfer date referred to in the said paragraph (a) will not exceed the total value of the assets less the liabilities transferred ;

(b) in a case falling within paragraph (b) of that subsection, that the amount or aggregate amount of the increase of issued share capital or of the loan capital to be issued or of both does not exceed the total value of the assets less liabilities to be transferred.

(3) The said conditions are—

(a) that the company is a company formed for the purpose of a transfer to be effected under section 4(7) or 60(7) and, in the case of an increase of issued share capital, that the increase is to take place on or before the transfer date ;

(b) in the case of an increase of issued share capital to which paragraph (a) does not apply, that the increase is for the purpose of a transfer to be effected under section 4(7) or 60(7) and is to take place on or before the transfer date.

82.—(1) For the purposes of the Capital Gains Tax Act 1979 any asset transferred by this Act from the Post Office to the Cor- 1979 c. 14.

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poration, or from the Corporation to the Post Office, shall be deemed to be for a consideration such that no gain or loss accrues to the transferor on its transfer; and Schedule 5 to that Act shall have effect in relation to any asset so transferred as if the acquisition or provision of it by the transferor, or the acquisition or provision of it by the Crown which is treated as the acquisition or provision of it by the transferor, had been the acquisition or provision of it by the transferee.

(2) For the purposes of the Corporation Tax Acts—

- (a) the part of the Post Office's trade transferred by this Act to the Corporation ("the transferred trade") and the part thereof retained by the Post Office ("the retained trade") shall be treated as having been, at all times since the commencement of the Post Office's trade, separate trades carried on by the Corporation and the Post Office respectively; and
- (b) the trade carried on by each of those bodies after the appointed day shall be treated as the same trade as that which, by virtue of paragraph (a), it is treated as having carried on before that day.

1970 c. 10.

(3) The aggregate of the amounts for which the Corporation and the Post Office are entitled to relief under section 177(1) of the Income and Corporation Taxes Act 1970, as for losses sustained by them before the appointed day in carrying on the transferred trade and the retained trade, shall not exceed the amount which, if subsection (2) had not been enacted and the Post Office had continued to carry on both trades, would have been available to it for carrying forward against trading income from the trades in succeeding accounting periods.

(4) Where, in the discharge of any liability which is transferred to the Corporation by this Act, the Corporation makes payments to the trustees of a retirement benefits scheme with a view to the provision of relevant benefits for persons who are employees of the Post Office, the Tax Acts shall have effect in relation to those payments—

- (a) as if those persons were employees of the Corporation; and
- (b) where the scheme is an exempt approved scheme, as if paragraph (a) of the proviso to section 21(3) of the Finance Act 1970 were omitted;

1970 c. 24.

and in this subsection expressions which are also used in Chapter II of Part II of the said Act of 1970 have the same meanings as in that Chapter.

(5) Any transfer by this Act of an interest in land from the Post Office to the Corporation, or from the Corporation to the Post Office, shall be deemed to be a disposal to which subsection

(1) of section 20 of the Development Land Tax Act 1976 (groups of companies) applies. PART III
1976 c. 24.

(6) For the purposes of section 21 of the Finance Act 1972 (value added tax: group registration) the Corporation, the Post Office and any bodies corporate resident in the United Kingdom or the Isle of Man which are subsidiaries of either of those bodies shall be eligible to be treated as members of a group until the expiration of the period of three years beginning with the appointed day; and where, by virtue of this subsection, two or more bodies are so treated, the Commissioners of Customs and Excise shall, as soon as practicable after the expiration of that period, by notice to those bodies, terminate that treatment from such date as may be specified in the notice. 1972 c. 41.

(7) Subsections (2) and (3) shall have effect in relation to accounting periods of the Corporation and of the Post Office ending on or after the appointed day.

83.—(1) There shall be paid out of moneys provided by Parliament— Financial provisions.

- (a) any administrative expenses of the Secretary of State under this Act; and
- (b) any increase attributable to the provisions of this Act in the sums which under any other enactment are paid out of moneys so provided.

(2) There shall be paid out of the Consolidated Fund or the National Loans Fund any increase attributable to the provisions of this Act in the sums which under any other enactment are paid out of that Fund.

84.—(1) A fund to which this section applies is one (whether described by the addition thereto of the attribute “welfare”, “benevolent” or “mutual aid” or by the addition thereto of any other attribute) the objects of which consist in or include the provision for— Power of managers of certain welfare funds to preserve their scope.

- (a) persons who are, or have been, employees of the Post Office, or for such persons of any class or description; or
- (b) for the relatives and dependants of any persons who are or have been so employed, or of such persons of any class or description,

of benefits in case of need, sickness or distress, and a society or organisation to which this section applies is one (however described) the objects of which are similar; and in this section—

“managers” in relation to a fund, society or organisation, means the trustees, committee or other persons entrusted with its management;

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“ relevant body ” means the Corporation or any of its subsidiaries or any subsidiary of the Post Office.

(2) The provisions of the trust deed, rules, regulations or other instrument constituting or regulating a fund, society or organisation to which this section applies may, by resolution of the managers of the fund, society or organisation, be altered—

(a) so as to permit persons who are employees (past or present) of a relevant body, or persons who are members of a class of persons of that description, to become members of, or subscribers to, the fund, society or organisation ;

(b) so as, in the case of persons of the said description or persons who are members of a class of persons of that description, to entitle them and persons claiming in right of them (subject to such, if any, terms and conditions as may be specified in the resolution) to receive benefits from the fund, society or organisation if, and to the extent that, they would be entitled to receive benefits therefrom if employment by a relevant body were employment by the Post Office ;

but so that no alteration be made that alters the character of the fund, society or organisation.

(3) If a resolution of the managers of a fund, society or organisation to which this section applies so provides—

(a) any reference in the trust deed, rules, regulations or other instrument constituting or regulating the fund, society or organisation to the Post Office (not being a reference in a context referring, in whatever terms, to persons employed by the Post Office or persons so employed of a specified description) shall be construed as referring (or, if the context so requires, as including a reference) to a relevant body ; and

(b) any reference in that instrument, in whatever terms, to persons so employed or persons so employed of a specified description shall be construed as referring (or, if the context so requires, as including a reference) to persons employed by a relevant body or, as the case may be, to persons so employed of a corresponding description.

(4) For the purposes of a resolution deriving validity from this section, the definition of a class of persons may be framed by reference to any circumstances whatever.

85.—(1) In this Act—

- PART III
General interpretation.
- “ the 1953 Act ” means the Post Office Act 1953 ; 1953 c. 36.
- “ the 1969 Act ” means the Post Office Act 1969 ; 1969 c. 48.
- “ the appointed day ” has the meaning given by section 1(2) ;
- “ the Corporation ” means British Telecommunications ;
- “ outside persons ” means persons other than the Corporation, the Post Office and wholly owned subsidiaries of either of those bodies ;
- “ pension ” includes allowance and gratuity ;
- “ statutory maximum ”, in relation to a fine on summary conviction, means—
- (a) in England and Wales, Northern Ireland and the Isle of Man, the prescribed sum within the meaning of section 32 of the Magistrates’ Courts Act 1980 (£1,000 at the passing of this Act) ; 1980 c. 43.
- (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (£1,000 at the passing of this Act) ; 1975 c. 21.
- and for the purposes of the application of this definition in Northern Ireland and the Isle of Man the provisions of the said Act of 1980 which relate to the sum mentioned in paragraph (a) shall extend to Northern Ireland and the Isle of Man ;
- “ statutory provision ”, except in relation to Northern Ireland or the Isle of Man, has the same meaning as in section 57(1) of the Harbours Act 1964, in relation to Northern Ireland, has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954 and, in relation to the Isle of Man, means an Act of Tynwald. 1964 c. 40. 1954 c. 33 (N.I.).

(2) Any reference in this Act to a subsidiary shall be construed in accordance with section 154 of the Companies Act 1948 and any reference to a wholly owned subsidiary shall be construed in accordance with section 150(4) of that Act. 1948 c. 38.

(3) This section shall extend to the Isle of Man and the Channel Islands.

86.—(1) In the application of this Act to Northern Ireland any reference—

- (a) to an enactment comprised in Northern Ireland legislation (except a reference to Schedule 6 to the Local Government Act (Northern Ireland) 1972 or Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972) ; or 1972 c. 9 (N.I.) S.I. 1972/1265 (N.I. 14)

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(b) to an enactment which the Northern Ireland Assembly has power to amend,

shall, except in Schedule 3, be construed as including a reference to any enactment comprised in Northern Ireland legislation passed or made after this Act and re-enacting the said enactment with or without modification.

1950 c. 11.
(N.I.)

1939 c. 15.
(N.I.)

(2) Regulations made by the Secretary of State under the Civil Defence Act (Northern Ireland) 1950 may apply to the Corporation such of the provisions of the Civil Defence Act (Northern Ireland) 1939 (except section 7(4) thereof) relating to public utility undertakers as may be specified in the regulations and may specify the Secretary of State as the appropriate department in relation to the Corporation for the purpose of the application of any provisions so specified to the Corporation.

1945 c.21.
(N.I.)

S.I. 1952/193

(3) There shall be excluded from the workers in relation to whom the Road Haulage Wages Council (Northern Ireland) and any wages council established under the Wages Councils Act (Northern Ireland) 1945 may operate any person employed by the Corporation on road haulage work within the meaning of paragraph 1 of the Schedule to the Road Haulage Wages Council (Northern Ireland) (Variation) Order 1952.

Consequential amendments.

87.—(1) The amendments contained in Schedule 3 shall have effect, being minor amendments or amendments consequential on the foregoing provisions of this Act.

(2) This section and Schedule 3 shall extend to the Isle of Man, so far as regards any enactment mentioned in that Schedule that so extends, and shall extend to the Channel Islands so far as regards any enactment so mentioned that so extends.

Transitional provisions.

88.—(1) The general transitional provisions contained in Schedule 4, and the special transitional provisions with respect to patents for inventions and registered designs contained in Schedule 5, shall have effect.

(2) This section and Schedules 4 and 5 shall extend to the Isle of Man, and this section and Schedule 4 shall extend to the Channel Islands.

Repeals and savings.

89.—(1) The enactments mentioned in Part I of Schedule 6 (which includes some that are spent or no longer of practical utility) shall on the passing of this Act be repealed to the extent specified in the third column of that Schedule; and the enactments mentioned in Part II of that Schedule shall on the appointed day, be repealed to the extent specified in that column.

(2) By reason of the repeal by this section of the Post Office Act 1961, there shall be inserted in Schedule 9 to the 1969 Act (general transitional provisions) at the end of paragraph 2 the following sub-paragraph—

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1961 c. 15.

“(4) With respect to instruments and documents executed or signed before the appointed day—

(a) every instrument or document purporting to be executed or signed by or on behalf of the Postmaster General shall be deemed to be so executed or signed unless the contrary is shown; and

(b) a certificate signed before the appointed day by the Postmaster General that any instrument or document purporting to be executed or signed on his behalf was so executed or signed shall be conclusive evidence of that fact.”

(3) Notwithstanding the repeal by this section of the said Act of 1961, the Exchequer and Audit Departments Act 1866 and the Exchequer and Audit Departments Act 1921 shall continue to have effect with the amendments made by Schedule 1 to the said Act of 1961.

1866 c. 39.

1921 c. 52.

(4) The repeal by this section of section 2 of the Post Office (Data Processing Service) Act 1967 and section 65 of the 1969 Act shall not affect the operation of those sections in relation to information obtained before the appointed day.

1967 c. 62.

(5) This section and Schedule 6 shall extend to the Isle of Man so far as regards any enactment mentioned in that Schedule that so extends (other than an enactment contained in the Telegraph Act 1863), and shall extend to the Channel Islands so far as regards any enactment so mentioned that so extends.

1863 c. 112.

90.—(1) This Act may be cited as the British Telecommunications Act 1981.

Short title
and extent.

(2) This Act extends to Northern Ireland.

Section 1.

SCHEDULES**SCHEDULE 1****PROVISIONS WITH RESPECT TO THE CORPORATION AND
THE MEMBERS THEREOF***Status*

1. The Corporation shall be a body corporate.

2. The Corporation shall not be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown, or (subject to any express provision of this Act) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local; and the Corporation's property shall not be regarded as property of, or property held on behalf of, the Crown.

Members

3.—(1) A member of the Corporation shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.

(2) A member may at any time by notice in writing to the Secretary of State resign his office.

4.—(1) Before appointing a person to be a member of the Corporation the Secretary of State shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the exercise and performance by him of his functions as a member of the Corporation, and the Secretary of State shall also satisfy himself from time to time with respect to every member of the Corporation that he has no such interest; and a person who is, or whom the Secretary of State proposes to appoint to be, a member of the Corporation shall, whenever requested by the Secretary of State so to do, furnish to him such information as the Secretary of State considers necessary for the performance by the Secretary of State of his duties under this paragraph.

(2) A member of the Corporation who is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation, or in a contract made or proposed to be made by a subsidiary of the Corporation which is brought up for consideration by the Corporation, shall disclose the nature of his interest at a meeting of the Corporation; and the disclosure shall be recorded in the minutes of the Corporation, and the member shall not take any part in any deliberation or decision of the Corporation with respect to that contract.

(3) For the purposes of sub-paragraph (2), a general notice given at a meeting of the Corporation by a member thereof to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm shall be regarded as a sufficient disclosure of his interest in relation to any contract so made or proposed to be so made.

(4) A member of the Corporation need not attend in person at a meeting of the Corporation in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

SCH. 1

5.—(1) The Corporation—

- (a) shall pay to the members thereof such salaries or fees, and such allowances, as the Secretary of State may determine ; and
- (b) as regards any member in whose case the Secretary of State may so determine, shall pay such pension, allowance or gratuity to or in respect of him or make such payments towards the provision of such a pension, allowance or gratuity as may be so determined ;

and, if a person ceases to be a member of the Corporation and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may require the Corporation to pay to that person a sum of such amount as the Secretary of State may determine.

(2) The approval of the Minister for the Civil Service shall be requisite to a determination under this paragraph by the Secretary of State and to the imposition thereunder by him of a requirement.

6.—(1) If the Secretary of State is satisfied that a member of the Corporation—

- (a) has been absent from meetings of the Corporation for a period longer than three consecutive months without the permission of the Corporation ; or
- (b) has become bankrupt or made an arrangement with his creditors ; or
- (c) is incapacitated by physical or mental illness ; or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Secretary of State may declare his office as a member of the Corporation to be vacant, and shall notify the fact in such manner as the Secretary of State thinks fit ; and thereupon the office shall become vacant.

(2) In the application of this paragraph to Scotland, for the references in head (b) of sub-paragraph (1) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

7. Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (which specifies certain commissions, tribunals and other bodies all members of which are disqualified under that Act) shall be amended by inserting, at the appropriate point in alphabetical order, the words " British Telecommunications "

SCH. 1

Proceedings

8. The validity of any proceedings of the Corporation shall not be affected by a vacancy amongst the members thereof or by a defect in the appointment of a member.

9. The quorum of the Corporation shall be three ; and, while a member is disqualified from taking part in a decision or deliberation of the Corporation with respect to a matter, he shall be disregarded for the purpose of constituting a quorum of the Corporation for deciding, or deliberating on, that matter.

10. Subject to the foregoing provisions of this Schedule, the Corporation shall have power to regulate its own procedure.

Staff

11. The Corporation shall appoint a secretary of the Corporation and may appoint such other employees as it may determine.

12.—(1) Except so far as the Corporation is satisfied that adequate machinery exists for achieving the purposes of this paragraph, being machinery for operation at national level or local level or a level falling between those levels and appearing to the Corporation to be appropriate, it shall be the duty of the Corporation to seek consultation with any organisation appearing to it to be appropriate with a view to the conclusion between it and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance, for operation at any such level as aforesaid, of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Corporation, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements ;
- (b) the promotion and encouragement of measures affecting efficiency, in any respect, in the carrying on by the Corporation of its activities, including in particular, the promotion and encouragement of the training of persons employed by the Corporation ; and
- (c) the promotion and encouragement of measures affecting the safety, health and welfare of persons so employed.

(2) Nothing in this paragraph shall be construed as prohibiting the Corporation from taking part together with other employers or organisations of employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment and the promotion and encouragement of measures affecting efficiency in the carrying on of their activities and the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by them.

13.—(1) Except with the Secretary of State's consent, the Corporation shall not terminate on security grounds the employment of a person employed by it.

(2) In this paragraph, "security grounds" means grounds which are grounds for dismissal from the civil service of Her Majesty in accordance with any arrangements for the time being in force relating to dismissals from that service for reasons of national security.

SCH. 1

Fixing of seal and proof of instruments

14. The fixing of the seal of the Corporation shall be authenticated by the signature of the secretary of the Corporation or of some other person authorised, either generally or specially, by the Corporation to act for that purpose.

15. A certificate signed by the secretary of the Corporation that an instrument purporting to be made or issued by or on behalf of the Corporation was so made or issued shall be conclusive evidence of that fact.

16. Every document purporting to be an instrument made or issued by or on behalf of the Corporation and to be duly executed under the seal of the Corporation, or to be signed or executed by the secretary of the Corporation or a person authorised by the Corporation to act in that behalf, shall be received in evidence and deemed, without further proof, to be so made or issued unless the contrary is shown.

SCHEDULE 2

Sections 4, 10
and 60.

PROVISIONS AS TO TRANSFERS OF PROPERTY, RIGHTS AND
LIABILITIES

Allocation of property, rights and liabilities

1.—(1) The provisions of this paragraph and paragraph 2 shall have effect where a transfer to which this Schedule applies is a transfer of all property, rights and liabilities comprised in a specified part of the transferor's undertaking, but shall not apply to any such rights or liabilities under a contract of employment.

(2) Any property, right or liability comprised partly in the part of the transferor's undertaking which is transferred to the transferee and partly in the part of that undertaking which is retained by the transferor shall, where the nature of the property, right or liability permits, be divided or apportioned between the transferor and the transferee in such proportions as may be appropriate; and, where any estate or interest in land falls to be so divided—

(a) any rent payable under a lease in respect of that estate or interest; and

(b) any rent charged on that estate or interest,

shall be correspondingly apportioned or divided so that the one part is payable in respect of, or charged on, only one part of the estate

SCH. 2 or interest and the other part is payable in respect of, or charged on, only the other part of the estate or interest.

(3) Sub-paragraph (2) shall apply, with any necessary modifications, in relation to any feuduty payable in respect of an estate or interest in land in Scotland as it applies in relation to any rents charged on an estate or interest in land; and in the application of that sub-paragraph to Northern Ireland "lease" in paragraph (a) includes a fee farm grant whether or not that grant creates the relationship of landlord and tenant.

(4) Any property, right or liability comprised as mentioned in sub-paragraph (2) the nature of which does not permit its division or apportionment as so mentioned shall be transferred to the transferee or retained by the transferor according to—

- (a) in the case of an estate or interest in land, whether on the transfer date the transferor or the transferee appears to be in greater need of the security afforded by that estate or interest or, where neither appears to be in greater need of that security, whether on that date the transferor or the transferee appears likely to make use of the land to the greater extent;
- (b) in the case of any other property or any right or liability, whether on the transfer date the transferor or the transferee appears likely to make use of the property, or as the case may be to be affected by the right or liability, to the greater extent,

subject (in either case) to such arrangements for the protection of the other of them as may be agreed between them.

2.—(1) It shall be the duty of the transferor and the transferee, whether before or after the transfer date, so far as practicable to arrive at such written agreements and to execute such other instruments as are necessary or expedient to identify or define the property, rights and liabilities transferred to the transferee or retained by the transferor and as will—

- (a) afford to the transferor and the transferee as against one another such rights and safeguards as they may require for the proper discharge of their respective functions; and
- (b) make as from such date, not being earlier than the transfer date, as may be specified in the agreement or instrument such clarification and modifications of the division of the transferor's undertaking as will best serve the proper discharge of the respective functions of the transferor and the transferee.

(2) Any such agreement shall provide so far as it is expedient—

- (a) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not;
- (b) for the granting of indemnities in connection with the severance of leases and other matters; and

(c) for responsibility for registration of any matter in any statutory register. SCH. 2

(3) If the transferor or the transferee represents to the Secretary of State, or if it appears to the Secretary of State without such a representation, that it is unlikely in the case of any matter on which agreement is required under sub-paragraph (1) that such agreement will be reached, the Secretary of State may, whether before or after the transfer date, give a direction determining that matter and may include in the direction any provision which might have been included in an agreement under sub-paragraph (1); and any property, rights or liabilities required by the direction to be transferred to the transferee shall be regarded as having been transferred by this Act to, and by virtue thereof vested in, the transferee accordingly.

Rights and liabilities under contracts of employment

3.—(1) The provisions of this paragraph shall have effect where any rights and liabilities transferred under a transfer to which this Schedule applies are rights and liabilities under a contract of employment and the transfer is of all property, rights and liabilities comprised in a specified part of the transferor's undertaking.

(2) The rights and liabilities under the contract of employment shall be transferred only if immediately before the transfer date the employee concerned was employed in the part of the transferor's undertaking which is transferred.

Right to production of documents of title

4. Where on any transfer to which this Schedule applies the transferor is entitled to retain possession of any documents relating in part to the title to, or to the management of, any land or other property transferred to the transferee, the transferor shall be deemed to have given to the transferee an acknowledgement in writing of the right of the transferee to production of that document and to delivery of copies thereof; and—

(a) in England and Wales, section 64 of the Law of Property 1925 c. 20. Act 1925; and

(b) in Northern Ireland, section 9 of the Conveyancing Act 1881, 1881 c. 41. shall have effect accordingly, and on the basis that the acknowledgement did not contain any such expression of contrary intention as is mentioned in that section.

Perfection of vesting of certain property or rights

5. Where in the case of any transfer to which this Schedule applies any property or rights which fall to be transferred to the transferee cannot be properly vested in the transferee by virtue of this Act because transfers thereof are governed otherwise than by the law of a part of the United Kingdom, the transferor shall take all practicable steps for the purpose of securing that the ownership of the property or, as the case may be, the right is effectively transferred.

SCH. 2*Proof of title by certificate*

6. In the case of any transfer to which this Schedule applies, a joint certificate by or on behalf of the transferor and the transferee that any property specified in the certificate, or any such interest in or right over any such property as may be so specified, or any right or liability so specified, is by virtue of this Act for the time being vested in such one of them as may be so specified, shall be conclusive evidence for all purposes of that fact ; and if on the expiration of one month after a request from either of them for the preparation of such a joint certificate as respects any property, interest, right or liability, they have failed to agree on the terms of the certificate, they shall refer the matter to the Secretary of State and issue the certificate in such terms as he may direct.

Restrictions on dealing with certain land

7. If the Secretary of State is satisfied on the representation of the transferor or the transferee that, in consequence of a transfer to which this Schedule applies, different interests in land, whether the same or different land, are held by the transferor and by the transferee and that the circumstances are such that this paragraph should have effect, the Secretary of State may direct that this paragraph shall apply to such of that land as may be specified in the direction, and while that direction remains in force—

- (a) neither the transferor nor the transferee shall dispose of any interest to which they may respectively be entitled in any of the specified land except with the consent of the Secretary of State ;
- (b) if in connection with any proposal to dispose of an interest of either the transferor or the transferee in any of the specified land it appears to the Secretary of State to be necessary or expedient for the protection of either of them, he may—
 - (i) require either the transferor or the transferee to dispose of any interest to which it may be entitled in any of the specified land to such person and in such manner as may be specified in the requirement ;
 - (ii) require either the transferor or the transferee to acquire from the other any interest in any of the specified land to which that other is entitled ; or
 - (iii) consent to the proposed disposal subject to compliance with such conditions as the Secretary of State may see fit to impose ;

but a person other than the transferor and the transferee dealing with, or with a person claiming under, either the transferor or the transferee shall not be concerned to see or enquire whether this paragraph applies or has applied in relation to any land to which the dealing relates or as to whether the provisions of this paragraph have been complied with in connection with that or any other dealing with that land, and no transaction between persons other than the transferor and the transferee shall be invalid by reason of any failure to comply with those provisions.

Construction of agreements, statutory provisions and documents

SCH. 2

8. Where in the case of any transfer to which this Schedule applies any rights or liabilities transferred are rights or liabilities under an agreement to which the transferor was a party immediately before the transfer date, whether in writing or not, and whether or not of such nature that rights and liabilities thereunder could be assigned by the transferor, that agreement shall have effect on and after the transfer date as if—

- (a) the transferee had been the party to the agreement ;
- (b) for any reference (whether express or implied and, if express, however worded) to the transferor there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the transferee ;
- (c) any reference (whether express or implied and, if express, however worded) to a person employed by, or engaged in the business of, the transferor and holding a specified office or serving in a specified capacity were, as respects anything falling to be done on or after the transfer date, a reference to such person as the transferee may appoint or, in default of appointment, to a person employed by, or engaged in the business of, the transferee who corresponds as nearly as may be to the first-mentioned person ;
- (d) any reference in general terms (however worded) to persons employed by, persons engaged in the business of, or agents of, the transferor were, as respects anything to be done on or after the transfer date, a reference to persons employed by, persons engaged in the business of, or agents of, the transferee ;
- (e) where the agreement refers to property, rights or liabilities which fall to be apportioned or divided between the transferor and the transferee, the agreement constituted two separate agreements separately enforceable by and against the transferor and the transferee as regards the part of the property, rights or liabilities retained by the transferor or, as the case may be, the part thereof vesting in the transferee, and not as regards the other part ;

and sub-paragraph (e) shall apply in particular to the covenants, stipulations and conditions of any lease by or to the transferor.

9. Except as otherwise provided in any provision of this Act (whether expressly or by necessary implication) paragraph 8, except sub-paragraph (a) thereof, shall apply in relation to any statutory provision, any provision of any agreement to which the transferor was not a party, and any provision of any document other than an agreement, if and so far as the provision in question relates to any of the transferred rights and liabilities, as it applies in relation to an agreement to which the transferor was a party, and, in relation to any such statutory or other provision as aforesaid, references in sub-paragraphs (b), (c) and (d) of that paragraph to the transferor and to any persons employed by, persons engaged in the business of, or agents of, the transferor include references made by means of a general reference to a class of persons of which the transferor is one, without the transferor itself being specifically referred to.

SCH. 2

10. Without prejudice to the generality of the provisions of paragraphs 8 and 9, the transferee under a transfer to which this Schedule applies and any other person shall, as from the transfer date, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability vested in the transferee by virtue of this Act as he would have had if that right or liability had at all times been a right or liability of the transferee, and any legal proceedings or applications to any authority pending on the transfer date by or against the transferor in so far as they relate to any property, right or liability vested in the transferee by virtue of this Act, or to any agreement or enactment relating to any such property, right or liability, shall be continued by or against the transferee to the exclusion of the transferor.

11.—(1) References in paragraphs 8 to 10 to agreements to which the transferor was a party and to statutory provisions include in particular reference to agreements to which the transferor became a party by virtue of the 1969 Act or this Act and statutory provisions which apply to the transferor by virtue of either Act.

(2) The provisions of paragraphs 8 to 10 shall have effect for the interpretation of agreements, statutory provisions and other instruments subject to the context, and shall not apply where the context otherwise requires.

Third parties affected by vesting provisions

12.—(1) Without prejudice to the provisions of paragraphs 8 to 11, any transactions effected between the transferor and the transferee in pursuance of paragraph 2(1) or of a direction under paragraph 2(3) shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.

(2) It shall be the duty of the transferor and the transferee if they effect any transaction in pursuance of paragraph 2(1) or a direction under paragraph 2(3) to notify any person who has rights or liabilities which thereby become enforceable as to part by or against the transferor and as to part by or against the transferee, and if such a person applies to the Secretary of State and satisfies him that the transaction operated unfairly against him the Secretary of State may give such directions to the transferor and the transferee as appear to him appropriate for varying the transaction.

(3) If in consequence of a transfer to which this Schedule applies or of anything done in pursuance of the provisions of this Schedule the rights or liabilities of any person other than the transferor and the transferee which were enforceable against or by the transferor become enforceable as to part against or by the transferor and as to part against or by the transferee, and the value of any property or interest of that person is thereby diminished, such compensation as may be just shall be paid to that person by the transferor, the transferee or both, and any dispute as to whether and if so how much compensation is so payable, or as to the person to whom it shall be paid, shall be referred to and determined by an arbitrator

appointed by the Lord Chancellor or, where the proceedings are to be held in Scotland, by an arbiter appointed by the Lord President of the Court of Session.

(4) Where in the case of a transfer to which this Schedule applies the transferor or the transferee purports by any conveyance or transfer to transfer to some person other than the transferor or the transferee for consideration any land or any other property transferred which before the transfer date belonged to the transferor or which is an interest in property which before that date belonged to the transferor, the conveyance or transfer shall be as effective as if both the transferor and the transferee had been parties thereto and had thereby conveyed or transferred all their interest in the property conveyed or transferred.

(5) If in the case of any transfer to which this Schedule applies it appears to the court, at any stage in any court proceedings to which the transferor or the transferee and a person other than the transferor or the transferee are parties, that the issues in the proceedings depend on the identification or definition of any of the property, rights or liabilities transferred which the transferor and the transferee have not yet effected, or to raise a question of construction on the relevant provisions of this Act which would not arise if the transferor and the transferee constituted a single person, the court may, if it thinks fit on the application of a party to the proceedings other than the transferor and the transferee, hear and determine the proceedings on the footing that such one of the transferor and the transferee as is a party to the proceedings represents and is answerable for the other of them, and that the transferor and the transferee constitute a single person, and any judgement or order given by the court shall bind both the transferor and the transferee accordingly.

(6) In the case of any transfer to which this Schedule applies it shall be the duty of the transferor and the transferee to keep one another informed of any case where either of them may be prejudiced by sub-paragraph (4) or (5), and if either the transferor or the transferee claims that it has been so prejudiced and that the other of them ought to indemnify or make a repayment to it on that account and has unreasonably failed to meet that claim, it may refer the matter to the Secretary of State for determination by him.

SCHEDULE 3

Section 87.

CONSEQUENTIAL AMENDMENTS

PART I

GENERAL

1. A requirement to do what is necessary to inform designated persons holding office under the Crown concerning matters and things transmitted or in the course of transmission by means of telecommunication services provided by the Corporation may be laid on the Corporation for the like purposes and in the like manner as, immediately before the appointed day, a requirement could have been laid on the Post Office to do what was necessary to inform such persons concerning matters and things transmitted or in the course of transmission by means of such services provided by it.

PART II**PUBLIC GENERAL ENACTMENTS***Enactments relating to telegraphs***2.—(1) References to the Post Office in—**

1863 c. 112. (a) section 45 of the Telegraph Act 1863 (omission to transmit or deliver message ; improper divulging of message etc.); and

1868 c. 110. (b) section 20 of the Telegraph Act 1868 (improper disclosure or interception of message) ;

shall, as from the appointed day, be construed as including a reference to the Corporation.

1878 c. 76. (2) References to the Post Office in sections 8 and 9 of the Telegraph Act 1878 (destruction of, or injury to, telegraphic lines ; obstruction of execution of works in connection with such lines) shall, as from the appointed day, be construed as referring to the Corporation.

1884 c. 76. 3. As from the appointed day, references in section 11 of the Post Office (Protection) Act 1884 (forgery and improper disclosure of telegrams) to a telegraph company within the meaning of that section shall be construed as including references to the Post Office.

1892 c. 59. 4. As from the appointed day, section 5(1) of the Telegraph Act 1892 (application of Acts to licensee of Post Office) shall have effect as if for the words from the beginning to “conferred on the Post Office” there were substituted the words “British Telecommunications may authorise the holder of a licence granted, or having effect as if it had been granted, under section 15(1) of the British Telecommunications Act 1981 (in this section referred to as ‘a licensee’) during the time and within the area specified in the authority to exercise all or any of the powers which are conferred on British Telecommunications”.

1899 c. 38. 5. The reference to the Post Office in section 2(1) of the Telegraph Act 1899 (payment of expenses of exercise of powers under telephone licence) shall, as from the appointed day, be construed as referring to the Corporation.

6.—(1) Any such notice or counter-notice as follows, namely—

1863 c. 112. (a) a notice authorised to be given to the Corporation by any of the following provisions of the Telegraph Act 1863, namely, sections 14 (removal of abandoned works), 15 (removal of works in connection with alterations to streets), 21(3) (alteration of positions of telegraphs in connection with alterations to buildings), 22(3) (removal of telegraphs near dwelling-houses) and 30(1) (removal of work in order to enable building, etc., to take place) ;

- (b) a notice authorised by section 24 of that Act to be given to the Corporation objecting to intended works ; SCH. 3
- (c) a notice required by section 7(1) of the Telegraph Act 1878 to be given to the Corporation of the time and place at which work will be begun by undertakers or others ; 1878 c. 76.
- (d) a notice given for the purposes of section 8 of the last-mentioned Act of the intended exercise of a right (not being a notice given in pursuance of some other Act or of an agreement) ;
- (e) a counter-notice authorised by section 5(2) of the Telegraph (Construction) Act 1908 to be given to the Corporation objecting to the lopping of a tree ; and 1908 c. 33.
- (f) a notice given for the purposes of section 1(2)(d) of the Telegraph (Construction) Act 1911 to the Corporation requiring it to remove or alter a telegraphic line constructed or maintained under the authority of that Act, 1911 c. 39.

may be given by addressing it to the Corporation (by its name) and by sending it by post to, or leaving it at, the appropriate area office.

(2) In this paragraph “ appropriate area office ” means—

- (a) in the case of such a notice as is mentioned in head (a) of sub-paragraph (1), the principal local telecommunications office of the Corporation for the area in which the works or work to which the notice relates are or is situate ;
- (b) in the case of such a notice as is mentioned in head (b) of that sub-paragraph, the principal local telecommunications office of the Corporation for the area in which the works to which the notice relates are intended to be executed ;
- (c) in the case of such a notice as is mentioned in head (c) of that sub-paragraph, the principal local telecommunications office of the Corporation for the area in which the work to which the notice relates is to be done ;
- (d) in the case of such a notice as is mentioned in head (d) of that sub-paragraph, the principal local telecommunications office of the Corporation for the area in which the right to which the notice relates is intended to be exercised ;
- (e) in the case of such a counter-notice as is mentioned in head (e) of that sub-paragraph, the principal local telecommunications office of the Corporation for the area in which the tree to which the notice relates is growing ; and
- (f) in the case of such a notice as is mentioned in head (f) of that sub-paragraph, the principal local telecommunications office of the Corporation for the area in which the line to which the notice relates (or any length thereof) is situate.

SCH. 3

Enactments relating to the supply of electricity

7. As from the appointed day, references to the Post Office in the following enactments and regulations (which confer protection for its telegraphic lines and works), namely—

- 1882 c. 56. (a) section 26 of the Electric Lighting Act 1882 ;
- 1888 c. 12. (b) section 4 of the Electric Lighting Act 1888 and regulations made under that section ;
- 1899 c. 19. (c) sections 10, 14, 60, 69 and 79 of the Schedule to the Electric Lighting (Clauses) Act 1899 and the definition of "telegraphic line" in section 1 of that Schedule ;
- 1919 c. 100. (d) section 22(4) and (5) of the Electricity (Supply) Act 1919 ;
- 1922 c. 46. (e) section 25(3) of the Electricity (Supply) Act 1922 ;
- 1947 c. 54. (f) section 9(3) of the Electricity Act 1947 ;
- (g) regulations made, or having effect as if they had been made, under section 60 of the last-mentioned Act ;
- 1957 c. 48. (h) section 28(8) of the Electricity Act 1957 ;
- (i) articles 32, 52(4) and (5) and 53 and the definition of "telegraphic line" in article 2(2) of, and paragraphs 3, 28 and 33 of Schedule 3 to, the Electricity Supply (Northern Ireland) Order 1972 ; and
- S.I. 1972/1072 (N.I. 9.) (j) section 12(6) of and paragraph 5 of Schedule 3 to the Electricity (Scotland) Act 1979 ;
- 1979 c. 11.

shall be construed as referring to the Corporation.

8. As from the appointed day, section 26 of the Electric Lighting Act 1882 and the enactments incorporated by that section shall, in their application to an Electricity Board, have effect as if references therein which are to be construed as referring to the Corporation included references to a government department.

9. As from the appointed day, the reference to the Post Office in section 62(1)(b) of the Schedule to the Electric Lighting (Clauses) Act 1899 (service of notices) shall be construed as referring to the Corporation.

Enactments relating to statutory undertakers

10.—(1) The Corporation shall be deemed to be statutory undertakers and its undertaking a statutory undertaking for the purposes of the following enactments, namely—

- 1946 c. 49. (a) the Acquisition of Land (Authorisation Procedure) Act 1946 ;
- 1947 c. 42. (b) the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
- 1948 c. 17. (c) section 4 of the Requisitioned Land and War Works Act 1948 ;
- 1948 c. 28. (d) the Roads Act (Northern Ireland) 1948, as applied by any (N.I.) statutory provision passed or made before the commencement of the Roads (Northern Ireland) Order 1980 ;
- S.I. 1980/1085 (N.I. 11). (e) the Civil Aviation Act 1949 ;
- 1949 c. 67. (f) the National Parks and Access to the Countryside Act 1949 ;
- 1949 c. 97.

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|---|-----------------------|
| (g) the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 ; | SCH. 3
1951 c. 65. |
| (h) the Landlord and Tenant Act 1954 ; | 1954 c. 56. |
| (i) section 39 (6)(b) of the Opencast Coal Act 1958 ; | 1958 c. 69. |
| (j) section 11 of the Land Compensation Act 1961 ; | 1961 c. 33. |
| (k) section 3(4) of the Flood Prevention (Scotland) Act 1961 ; | 1961 c. 41. |
| (l) the Pipe-lines Act 1962 ; | 1962 c. 58. |
| (m) section 18 of the Land Compensation (Scotland) Act 1963 ; | 1963 c. 51. |
| (n) Schedules 3 and 5 to the Harbours Act 1964 ; | 1964 c. 40. |
| (o) Schedule 6 to the Gas Act 1965 ; | 1965 c. 36. |
| (p) section 10(4) of the Highlands and Islands Development (Scotland) Act 1965 ; | 1965 c. 46. |
| (q) the New Towns Act 1965 ; | 1965 c. 59. |
| (r) sections 11(5)(f), 54(6) and 75(4) of, and Schedule 3 to, the Countryside (Scotland) Act 1967 ; | 1967 c. 86. |
| (s) the New Towns (Scotland) Act 1968 ; | 1968 c. 16. |
| (t) paragraph 6 of Schedule 2 to the Countryside Act 1968 ; | 1968 c. 41. |
| (u) section 22 of the Sewerage (Scotland) Act 1968 ; | 1968 c. 47. |
| (v) sections 22, 40, 48, 49, 118(2), 127, 128, 129, 149, 165(3), 181, 182, 183, 186, 192, 206(6), 213(3), 216, 223, 225 to 241, 245(7)(a), 255 and 281(6)(b) of, and Schedule 10 and paragraphs 1 to 3 of Schedule 19 to, the Town and Country Planning Act 1971 ; | 1971 c. 78. |
| (w) sections 19, 37, 45, 46, 108(2), 117, 118, 119, 138, 154(3), 170, 171, 172, 175, 181, 195(6), 202(3), 205, 205A, 212, 214 to 230, 233(7), 242, 266(6)(b) and 268(1)(b) of, and Schedules 8 and 9 and paragraphs 1 to 3 of Schedule 17 to, the Town and Country Planning (Scotland) Act 1972 ; | 1972 c. 52. |
| (x) section 23 of the Development Land Tax Act 1976 ; and | 1976 c. 24. |
| (y) Parts XII and XVI and section 120 of the Local Government, Planning and Land Act 1980, | 1980 c. 65. |

subject to this exception, namely, that it shall not be so deemed for the purposes of section 230 of the Town and Country Planning Act 1971 as applied by section 13 of the Opencast Coal Act 1958.

(2) The Post Office shall cease to be deemed to be statutory undertakers and its undertaking a statutory undertaking for the purposes of the following enactments, namely—

- (a) section 20 of the National Parks and Access to the Countryside Act 1949 ;
- (b) paragraph 6 of Schedule 2 to the Countryside Act 1968 ;
- (c) sections 22, 210(2), 213(3) and 216 of the Town and Country Planning Act 1971 ; and
- (d) sections 19, 108(2), 117, 199(2) and 202(3) of the Town and Country Planning (Scotland) Act 1972.

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(3) In the definition of “statutory undertakers” contained in each of the following enactments, namely—

- 1970 c. 20. (a) section 50(1) of the Roads (Scotland) Act 1970 ;
 1974 c. 40. (b) section 73(1) of the Control of Pollution Act 1974 ;
 1975 c. 69. (c) section 10(4) of the Scottish Development Agency Act 1975 ;
 1975 c. 70. (d) section 27(1) of the Welsh Development Agency Act 1975 ;
 1976 c. 75. (e) section 34(1) of the Development of Rural Wales Act 1976 ;
 S.I. 1978/1049 (N.I. 19). (f) article 53(1) of the Pollution Control and Local Government (Northern Ireland) Order 1978 ;
 1979 c. 11. (g) section 13(4) of the Electricity (Scotland) Act 1979 ;
 1979 c. 46. (h) section 61(2) of the Ancient Monuments and Archaeological Areas Act 1979 ; and
 S.I. 1980/1085 (N.I. 11). (i) article 2(2) of the Roads (Northern Ireland) Order 1980,
 the reference to the Post Office shall be construed as including a reference to the Corporation.

1976 c. 57. (4) Section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 shall have effect as if in the definition of “statutory undertakers” for the words from “the Post Office” to “sewerage)” there were substituted the words “any public authority exercising functions by virtue of any provision of sections 14 and 15 of the Water Act 1973 (which relates to sewerage), British Telecommunications and, except in sections 1(4)(a), 3(2)(d) and 4(1) of this Act, the Post Office”.

1980 c. 66. (5) In sections 144(6) and 181(9) of the Highways Act 1980 (which deem the Post Office to be statutory undertakers) references to the Post Office shall be construed as referring to the Corporation ; and in sections 20(9), 169(4), 170(3), 178(5), 254(6) and 290(9) of and paragraph 3(3) of Schedule 6 to that Act (which also deem the Post Office to be statutory undertakers) references to the Post Office shall be construed as including references to the Corporation.

(6) This paragraph shall come into operation on the appointed day.

11.—(1) In the following enactments, namely—

- 1946 c. 49. (a) the Acquisition of Land (Authorisation Procedure) Act 1946 ;
 1947 c. 42. (b) the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
 1949 c. 67. (c) the Civil Aviation Act 1949 ;
 1962 c. 58. (d) the Pipe-lines Act 1962 ; and
 1964 c. 40. (e) Schedules 3 and 5 to the Harbours Act 1964,

“the appropriate Minister” shall, in relation to the Corporation, mean the Secretary of State.

(2) In the definition of “the appropriate Minister” contained in each of the following enactments, namely—

- 1958 c. 69. (a) section 51(1) and (2) of the Opencast Coal Act 1958 ;
 1965 c. 59. (b) section 54(1) of the New Towns Act 1965 ;
 1968 c. 16. (c) section 47(1) of the New Towns (Scotland) Act 1968 ;
 1971 c. 78. (d) section 224(1) of the Town and Country Planning Act 1971 ; and

(e) section 213(1) of the Town and Country Planning (Scotland) Act 1972, SCH. 3
1972 c. 52.

and in the first column of the Table set out in paragraph 56(3) of Schedule 3 to the Development of Rural Wales Act 1976, the reference to the Post Office shall be construed as including a reference to the Corporation. 1976 c. 75.

(3) This paragraph shall come into operation on the appointed day.

12.—(1) In the following enactments, namely—

(a) section 13 of the Pipe-lines Act 1962 ; 1962 c. 58.

(b) the New Towns Act 1965 ; 1965 c. 59.

(c) the New Towns (Scotland) Act 1968 ; 1968 c. 16.

(d) sections 149(3), 165(3) and 225 to 241 of, and Schedule 10 to, the Town and Country Planning Act 1971 ; and 1971 c. 78.

(e) sections 138(3), 154(3) and 214 to 230 of, and Schedule 8 to, the Town and Country Planning (Scotland) Act 1972, 1972 c. 52.

“operational land” shall, in relation to the Corporation, mean land of the Corporation of any such class as may be specified in regulations made jointly by the Secretary of State and the planning Minister by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) ; and—

(i) the definition of a class of land for the purposes of regulations made under this sub-paragraph may be framed by reference to any circumstances whatever ; and

(ii) if any question arises whether land of the Corporation falls within a class specified in regulations so made, it shall be determined by the Secretary of State.

(2) In this paragraph “the planning Minister” means the Secretary of State for the Environment in relation to England and Wales and the Secretary of State for Scotland in relation to Scotland.

(3) This paragraph shall come into operation on the appointed day.

Other enactments

13. As from the appointed day, the reference to the Post Office in section 6 of the Military Tramways Act 1887 (which requires the insertion, in certain cases, in a provisional order made under that Act of provisions for the protection of its telegraphs), and any reference to it in a provisional order so made which is in force at the beginning of that day, shall be construed as referring to the Corporation. 1887 c. 65.

14. As from the appointed day, the reference to the Post Office in section 2(2) of Lloyd's Signal Stations Act 1888 (power of the society incorporated under the name of “Lloyd's” to enter into arrangements with the Post Office for the purpose of securing telegraphic communication between Lloyd's signal stations themselves or between those stations and the Post Office's telegraph stations) and the second reference to it in section 6 of that Act (saving for its property) shall be construed as referring to the Corporation. 1888 c. 29.

- SCH. 3
1892 c. 55. 15. As from the appointed day, the reference to the Post Office in section 132 of the Burgh Police (Scotland) Act 1892 (erection of telegraph poles etc. in streets) shall be construed as referring to the Corporation.
- 1897 c. 53. 16. As from the appointed day, the reference to the Post Office in section 4(1)(f) of the Congested Districts (Scotland) Act 1897 shall, so far as relating to the provision of guarantees for telegraph extensions, be construed as referring to the Corporation.
- 1911 c. 28. 17.—(1) For the purposes of section 2 of the Official Secrets Act 1911 membership of, or any office or employment under, the Corporation shall be deemed to be an office under Her Majesty, and a contract with the Corporation shall be deemed to be a contract with Her Majesty; and, as from the appointed day, any telegraph, telephone, wireless or signal station or office belonging to, or occupied by, the Corporation shall be a prohibited place for the purposes of that Act.
- 1920 c. 75. (2) Section 5 of the Official Secrets Act 1920 shall not apply to the Corporation; and, as from the appointed day, the reference in subsection (6) of that section to the Post Office shall be construed as including a reference to the Corporation.
- 1914 c. 59. 18. As from the appointed day, references in section 24 of the Bankruptcy Act 1914 (re-direction of debtor's letters, telegrams etc.) to the Post Office shall be construed as including references to the Corporation.
- 1925 c. 20. 19. As from the appointed day, the reference to the Post Office in section 194(4) of the Law of Property Act 1925 (which contains a saving for its telegraphic lines) shall be construed as referring to the Corporation.
- 1925 c. 68. 20. As from the appointed day, the reference to the Post Office in section 5(9) of the Roads Improvement Act 1925 (prescription of building lines) shall be construed as referring to the Corporation.
- 1925 c. 71. 21. As from the appointed day, the reference in section 10 of the Public Health Act 1925 (Crown rights) to works or apparatus belonging to the Post Office shall be construed as referring to works or apparatus belonging to the Corporation.
- 1935 c. 47. 22. As from the appointed day, the reference to the Post Office in section 23(2) of the Restriction of Ribbon Development Act 1935 (saving for the Post Office) shall be construed as referring to the Corporation.
- 1939 c. 31. 23.—(1) As from the appointed day, the Corporation shall be deemed to be public utility undertakers and its undertaking a public utility undertaking for the purposes of the provisions of the Civil Defence Act 1939.
- (2) As from the appointed day, in the said Act of 1939 the expression "the appropriate department" shall, in relation to the Corporation, mean the Secretary of State.
- 1945 c. 42. 24.—(1) As from the appointed day, references to the Post Office in sections 4, 5(3) and 70 of Schedule 3 to the Water Act 1945 (which contain savings for its telegraphic lines) shall be construed as referring to the Corporation.

(2) The reference in sub-paragraph (1) to the said Schedule 3 shall be construed as including a reference to that Schedule as incorporated or applied by or under any enactment in force at the beginning of the appointed day. SCH. 3

25. As from the appointed day, references to the Post Office in section 24 of the Requisitioned Land and War Works Act 1945 (power of owners, etc., to require removal of telegraphic lines) and in subsections (2) and (3) of section 25 of that Act (deep lines) shall be construed as referring to the Corporation. 1945 c. 43.

26. As from the appointed day, the reference to the Post Office in paragraph 6(1) of the Schedule to the Requisitioned Land and War Works Act 1948 (which paragraph contains a saving for its telegraphic lines) shall be construed as referring to the Corporation. 1948 c. 17.

27.—(1) Section 41 (Crown rights) of the Roads Act (Northern Ireland) 1948, as applied by any statutory provision passed or made before the commencement of the Roads (Northern Ireland) Order 1980 shall, as from the appointed day, be amended in accordance with the following sub-paragraphs. 1948 c. 28
(N.I.)
S.I. 1980/1085
(N.I. 11).

(2) The reference to the Post Office in subsection (1) shall be construed as including a reference to the Corporation.

(3) References to the Post Office in subsection (2) shall be construed as referring to the Corporation.

28.—(1) The Special Roads Act 1949 shall, as from the appointed day, be amended in accordance with the following sub-paragraphs. 1949 c. 32.

(2) The reference to the Post Office in section 20(1) (saving for its powers) shall be construed as referring to the Corporation.

(3) Section 20(2) shall, in relation to an order coming into force on or before the appointed day, have effect as if for the second reference to the Post Office there were substituted a reference to the Corporation and, in relation to an order coming into force after that day, have effect as if for each reference to the Post Office there were substituted a reference to the Corporation.

(4) Section 20(3) shall, in relation to an order coming into force after the appointed day, have effect as if for the reference to the Post Office there were substituted a reference to the Corporation.

29. As from the appointed day, section 28(4)(c) of the Civil Aviation Act 1949 (which modifies the application of Schedule 1 to the Statutory Orders (Special Procedure) Act 1945 in its application to orders stopping up or diverting highways in the interests of civil aviation) shall have effect as if the Corporation were electricity undertakers. 1949 c. 67.
1945 c. 18.

30. As from the appointed day, the reference in section 47(b) (savings) of the Coast Protection Act 1949 to the Post Office shall be construed as referring to the Corporation. 1949 c. 74.

31. As from the appointed day, section 1(2) of the War Damaged Sites Act 1949 (which precludes a local authority from taking possession compulsorily of any such land as is specified in section 1(2) of the Acquisition of Land (Authorisation Procedure) Act 1946) shall have effect as if the reference to such land included a reference to land acquired by the Corporation for the purposes of its undertaking. 1949 c. 84.
1946 c. 49.

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1953 c. 26.

32. As from the appointed day, references in section 6 of the Local Government (Miscellaneous Provisions) Act 1953 (supplementary provisions as to omnibus shelters, etc.) to the Post Office shall be construed as referring to the Corporation.

1957 c. 56.
1878 c. 76.

33.—(1) Where the alteration of a telegraphic line of the Corporation is reasonably necessary for the purpose of enabling a local authority to exercise any of the powers conferred on them by Part III of the Housing Act 1957, paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 (alteration of telegraphic lines in the execution of undertakings authorised by Act of Parliament) shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the local authority.

(2) Where, in pursuance of an order under section 64 of the said Act of 1957 that comes into operation on or after the appointed day, a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation, there is under, in, on, over, along or across the land a telegraphic line of the Corporation, the Corporation shall have the same powers in respect of the line as if the order had not come into operation; but, if a person entitled to land over which the right of way subsisted requires that the line should be altered, paragraphs (1) to (8) of the said section 7 shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person by whom the alteration is required.

(3) In the proviso to section 64(3) of the said Act of 1957, the expression "apparatus" shall, in relation to the Corporation, be construed generally and shall not be limited by the definition thereof in section 189(1) of that Act.

(4) In this paragraph, "telegraphic line" and "alteration" have the same meanings as in the Telegraph Act 1878.

1958 c. 23.

34. As from the appointed day, references in subsections (1) and (4) of section 5 of the Milford Haven Conservancy Act 1958 (powers with respect to dredging, etc.) to a submarine cable placed or maintained by the Post Office shall be construed as including references to such a cable placed or maintained by the Corporation, and the second reference in the said subsection (4) to the Post Office shall be construed as referring to the Corporation.

1958 c. 24

35. As from the appointed day, the reference to the Post Office in paragraph 3 of Schedule 2 to the Land Drainage (Scotland) Act 1958 (saving for telegraphic lines) shall be construed as referring to the Corporation.

1958 c. 50.

36. As from the appointed day, section 3 of the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 (access to telegraphic lines etc.) shall have effect as if for the words "Post Office" there were substituted the words "British Telecommunications".

37.—(1) As from the appointed day, references in section 45(1) and (2) of the Opencast Coal Act 1958 (provisions as to telegraphic lines) to the Post Office shall be construed as referring to the Corporation. SCH. 3
1958 c. 69.

(2) Section 45(3) of the said Act of 1958 shall, in relation to an order coming into force on or before the appointed day, have effect as if for the second reference to the Post Office there were substituted a reference to the Corporation and, in relation to an order coming into force after that day, have effect as if for each reference to the Post Office there were substituted a reference to the Corporation.

38. As from the appointed day, references to the Post Office in paragraph 2 of Schedule 1 and paragraph 3(1)(e) of Schedule 2 to the Flood Prevention (Scotland) Act 1961 (saving for telegraphic lines) shall be construed as referring to the Corporation. 1961 c. 41.

39. As from the appointed day, Schedule 4 to the Public Health Act 1961 (which specifies, in relation to buildings of certain descriptions, the persons who are to be appropriate authorities for the purposes of the provisions of that Act relating to the attachment of street lights to buildings) shall have effect as if the following were added at the end thereof: 1961 c. 64.

“A building owned by The Secretary of State”
British Telecommunications

40. As from the appointed day, the reference to the Post Office in section 40(1) of the Pipe-lines Act 1962 (avoidance of interference with telegraphic etc. lines) shall be construed as referring to the Corporation. 1962 c. 58.

41.—(1) No order made on or after the appointed day under section 67 of the Water Resources Act 1963 (compulsory powers for carrying out engineering or building operations) shall authorise the doing of anything to, or in relation to, a telegraphic line (within the meaning of the Telegraph Act 1878) of the Corporation. 1963 c. 38.
1878 c. 76.

(2) As from the appointed day, the reference to the Post Office in section 130 of the said Act of 1963 (which makes provision with respect to alterations of telegraphic lines of the Post Office required by a river authority to be made for the purpose of carrying out engineering or building operations) shall be construed as referring to the Corporation.

42. As from the appointed day, the reference in section 1(4) of the Criminal Evidence Act 1965 to the Post Office shall be construed as including a reference to the Corporation. 1965 c. 20.

43.—(1) Where, on or after the appointed day, the Secretary of State makes an order under section 23 of the New Towns Act 1965 (extinguishment of public rights of way over land acquired) on the application of a development corporation or local highway authority, he shall send a copy thereof to the Corporation. 1965 c. 59.

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(2) As from the appointed day, section 24(1) of the said Act of 1965 (which makes provision as to telegraphic lines of the Post Office) shall have effect as if—

- (a) the reference which includes a reference to a telegraphic line belonging to, or used by, the Post Office included a reference to such a line of the Corporation ;
- (b) for the words “ the Post Office ”, in all places where they occur, there were substituted the words “ British Telecommunications ” ; and
- (c) in relation to any such period mentioned in paragraph (a) as begins to run before, and is current on, the appointed day, for the word “ it ” in paragraphs (a) and (c) there were substituted the words “ the Post Office or British Telecommunications ”.

(3) As from the appointed day, section 26 of the said Act of 1965 (extinguishment of rights of way and rights as to apparatus of statutory undertakers) shall, so far as regards a right of the Corporation with respect to a telegraphic line and so far as regards a telegraphic line of its, not have effect in a case in which section 24 of that Act has effect.

1878 c. 76. (4) In this paragraph, “ telegraphic line ” has the same meaning as in the Telegraph Act 1878.

1965 c. 13 (N.I.) 44. Where, on or after the appointed day, the Department of the Environment for Northern Ireland approves an order made under section 25 of the New Towns Act (Northern Ireland) 1965 (extinguishment of public rights of way over land acquired), that Department shall send a copy thereof to the Corporation.

1966 c. 27. 45. As from the appointed day, the Schedule to the Building Control Act 1966 (which specifies bodies in the case of which work carried out by them is exempt from control under that Act) shall have effect as if at the end thereof there were added a reference to the Corporation.

1966 c. 34. 46. As from the appointed day, Schedule 2 to the Industrial Development Act 1966 (which specifies bodies not eligible for certain grants under Part I of that Act) shall have effect as if the Corporation were included amongst the bodies therein specified and Schedule 1 to the Industrial Investment (General Assistance) Act (Northern Ireland) 1966 shall have similar effect.

1966 c. 49.
1974 c. 45. 47.—(1) Where the alteration of a telegraphic line of the Corporation is reasonably necessary for the purpose of enabling a local authority to exercise any of the powers conferred on them by Part III of the Housing (Scotland) Act 1966 or Part II of the Housing (Scotland) Act 1974, paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the local authority.

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(2) Where, in pursuance of an order under section 33 of the said Act of 1974 that comes into operation on or after the appointed day, a public right of way over land is extinguished or a street is closed or diverted and, at the beginning of the day on which the order comes into operation, there is, under, in, on, over, along or across the land or street a telegraphic line of the Corporation, the Corporation shall have the same powers in respect of the line as if the order had not come into operation; but, if a person entitled to land over which the right of way subsisted or on which the street was situated requires that the line should be altered, paragraphs (1) to (8) of the said section 7 shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person by whom the alteration is required.

(3) In the proviso to section 33(4) of the said Act of 1974, the expression "apparatus" shall, in relation to the Corporation, be construed generally and shall not be limited by the definition thereof in section 208(1) of the said Act of 1966.

(4) In this paragraph "telegraphic line" and "alteration" have the same meanings as in the Telegraph Act 1878.

1878 c. 76.

48. As from the appointed day, section 38(7) of the Countryside (Scotland) Act 1967 (provisions as to telegraphic lines) shall, in relation to an order coming into force on or before that day, have effect as if for the second reference to the Post Office there were substituted a reference to the Corporation, and, in relation to an order coming into force after that day, have effect as if for each reference to the Post Office there were substituted a reference to the Corporation.

1967 c. 86.

49.—(1) Where, on or after the appointed day, the Secretary of State makes an order under section 23 of the New Towns (Scotland) Act 1968 (extinguishment of public rights of way over land acquired) on the application of a development corporation or local highway authority, he shall send a copy thereof to the Corporation.

1968 c. 16.

(2) As from the appointed day, section 24(1) of the said Act of 1968 (which makes provision as to telegraphic lines of the Post Office) shall have effect as if—

- (a) the reference which includes a reference to a telegraphic line belonging to, or used by, the Post Office included a reference to such a line of the Corporation;
- (b) for the words "the Post Office", in all places where they occur, there were substituted the words "British Telecommunications"; and
- (c) in relation to any such period mentioned in paragraph (a) as begins to run before, and is current on, the appointed day, for the word "it" in paragraphs (a) and (c) there were substituted the words "the Post Office or British Telecommunications".

(3) As from the appointed day, section 26 of the said Act of 1968 (extinguishment of rights of way, and rights as to apparatus, of

SCH. 3 statutory undertakers) shall, so far as regards a right of the Corporation with respect to a telegraphic line and so far as regards a telegraphic line of the Corporation, not have effect in a case in which section 24 of that Act has effect.

1878 c. 76 (4) In this paragraph "telegraphic line" has the same meaning as in the Telegraph Act 1878.

1968 c. 30 (N.I.) 50. As from the appointed day, the Corporation shall be deemed to be a public utility undertaking for the purposes of section 1 of the Local Government and Roads Act (Northern Ireland) 1968.

51.—(1) Section 7(2) of the 1969 Act (powers of the Post Office) shall have effect as if for the words "the foregoing subsection", in both places where they occur, there were substituted the words "subsection (1) above".

(2) As from the appointed day, section 29(1)(c) of the 1969 Act (exclusion of liability in relation to telecommunications) shall have effect as if for the word "telecommunication", in both places where it occurs, there were substituted the word "telepost".

(3) As from the appointed day, section 37(1) of the 1969 Act (loans by the Secretary of State to the Post Office) shall have effect as if for the words "section 35(1) or (2) of this Act" there were substituted the words "section 73(1) or (2) of the British Telecommunications Act 1981".

(4) Section 52(4) of the 1969 Act (rating in England and Wales) shall have effect as if for the words from "rateable value" to the end there were substituted the words "value which, by virtue of an order under this section or section 19 of the Local Government Act 1974, is shown in a list as the rateable value of any hereditament occupied by the Post Office by any such property as is mentioned in paragraph 5 of Schedule 3 to that Act".

(5) As from the appointed day, section 69(3) of the 1969 Act shall have effect as if for the words "conclusive evidence" there were substituted the words "evidence (and, in Scotland, sufficient evidence)".

(6) As from the appointed day, section 80 of the 1969 Act (provision of information to persons holding office under the Crown) shall, except in its application to the Isle of Man and the Channel Islands, have effect as if for the word "telecommunication" there were substituted the word "telepost".

(7) Section 86 of the 1969 Act (interpretation of Part III) shall have effect—

(a) as from the appointed day, as if in subsection (1) in the definition of "accounting year" after the word "means" there were inserted the words "subject to section 75(5) of the British Telecommunications Act 1981"; and

(b) as if in subsection (4) for the words "section 7(1)(d)" there were substituted the words "section 7(1)(d) or (f)" and, as from the appointed day, as if for the words so substituted there were substituted the words "section 7(1)(c), (d), (e) or (f)".

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(8) Section 87(1) 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) shall have effect as if for the words "section 3 of the Post Office Act 1953" there were substituted the words "section 66(1) of the British Telecommunications Act 1981" and for the words "the said section 3", in both places where they occur, there were substituted the words "the said section 66(1)".

(9) As from the appointed day, the reference to the Post Office in section 89(4) of the 1969 Act (licensing of distribution systems) shall be construed as referring to the Corporation.

(10) Schedule 1 to the 1969 Act shall have effect as if paragraphs 2(2) and 4(2) (laying before Parliament of statements concerning the terms of appointment of members of the Post Office) and paragraph 11(2), (3) and (5) (provision of information to the Secretary of State concerning the establishment of machinery for negotiation etc. and of information to participants in connection with its operation) were omitted.

(11) Paragraph 93(1) of Schedule 4 to the 1969 Act (Post Office as statutory undertakers for the purposes of certain enactments) shall have effect as if for head (viii) there were substituted the following head—

"(viii) the Roads Act (Northern Ireland) 1948, as applied by any statutory provision passed or made before the commencement of the Roads (Northern Ireland) Order 1980".

52. As from the appointed day, the reference to the Post Office in section 26(4) of the Harbours Act (Northern Ireland) 1970 (exclusion of land owned or occupied by or on behalf of the Post Office from vesting orders under that section) shall be construed as including a reference to the Corporation. 1970 c. 1 (N.I.).

53.—(1) The Town and Country Planning Act 1971 shall, as from the appointed day, be amended in accordance with the following sub-paragraphs. 1971 c. 78.

(2) Section 220(1) (which makes provision as to telegraphic lines of the Post Office) shall, in relation to an order coming into force on or before the appointed day, have effect as if for the second reference to the Post Office there were substituted a reference to the Corporation and, in relation to an order coming into force after that day, have effect as if for each reference to the Post Office there were substituted a reference to the Corporation.

(3) Section 220(2) shall, in relation to an order coming into force after the appointed day, have effect as if for the reference to the Post Office there were substituted a reference to the Corporation.

(4) Section 220(3) shall have effect as if the first reference to a telegraphic line belonging to, or used by, the Post Office included a reference to such a line of the Corporation, as if for the words "the Post Office", in all places (except the first and third) where

SCH. 3 they occur, there were substituted the words "British Telecommunications" and as if—

(a) in relation to any such period mentioned in paragraph (a) as begins to run before, and is current on, the appointed day, after the words "the Post Office" (where secondly occurring in that paragraph) there were inserted the words "or British Telecommunications" and for the word "it" in paragraph (c) there were substituted the words "the Post Office or British Telecommunications";

(b) in relation to any such period so mentioned as begins to run on or after the appointed day, for the words "the Post Office" (where secondly occurring in paragraph (a)) there were substituted the words "British Telecommunications".

(5) Section 220(3) shall also have effect as if—

(a) for the words from "an order" to "local authority", in the first place where they occur, there were substituted the words "an order to which this subsection applies is made";

(b) after the words "section 215(1) of" there were inserted the words "or, as the case may be, paragraph 1 of Schedule 20 to";

(c) after the word "extinguished" there were inserted the words "or authorised to be stopped up or diverted";

(d) for the words "local authority", in all places (except the first) where they occur, there were substituted the word "authority"; and

(e) immediately before that subsection there were inserted the following subsection—

"(2A) Subsection (3) of this section applies—

(a) to any order made by or on the application of a local authority under section 214(1) of this Act extinguishing a public right of way; and

(b) to any order made by a competent authority under section 210 of this Act authorising the stopping up or diversion of a footpath or bridleway;

and in this subsection 'competent authority' has the same meaning as in the said section 210."

(6) Section 220(4) shall have effect as if for the reference to the Post Office there were substituted a reference to the Corporation and for the words from "an order" to "the Secretary of State" there were substituted the words "an order to which subsection (3) of this section applies, the person by whom the order was made".

(7) Section 223(1) (cases in which land is not to be treated as operational land) shall, in relation to the Corporation, have effect with the substitution for the reference to section 222 of a reference to paragraph 12(1).

(8) Section 223 shall not apply to land in the case of which an interest therein, having vested in the Post Office by virtue of the 1969 Act, vests in the Corporation by virtue of this Act.

(9) The reference to the Post Office in paragraph 83 of Schedule 24 shall be construed as referring to the Corporation. SCH. 3

54.—(1) The Town and Country Planning (Scotland) Act 1972 shall, as from the appointed day, be amended in accordance with the following sub-paragraphs. 1972 c. 52.

(2) Section 209(1) (which makes provision as to telegraphic lines of the Post Office) shall, in relation to an order coming into force on or before the appointed day, have effect as if for the second reference to the Post Office there were substituted a reference to the Corporation and, in relation to an order coming into force after that day, have effect as if for each reference to the Post Office there were substituted a reference to the Corporation.

(3) Section 209(2) shall, in relation to an order coming into force after the appointed day, have effect as if for the reference to the Post Office there were substituted a reference to the Corporation.

(4) Section 209(3) shall have effect as if the first reference to a telegraphic line belonging to, or used by, the Post Office included a reference to such a line of the Corporation, as if for the words “the Post Office”, in all places (except the first and third) where they occur, there were substituted the words “British Telecommunications” and as if—

(a) in relation to any such period mentioned in paragraph (a) as begins to run before, and is current on, the appointed day, after the words “the Post Office” (where secondly occurring in that paragraph) there were inserted the words “or British Telecommunications” and for the word “it” in paragraph (c) there were substituted the words “the Post Office or British Telecommunications”;

(b) in relation to any such period so mentioned as begins to run on or after the appointed day, for the words “the Post Office” (where secondly occurring in paragraph (a)) there were substituted the words “British Telecommunications”.

(5) Section 209(3) shall also have effect as if—

(a) after the word “section” where it first occurs there were inserted the words “199 of this Act authorising the stopping up or diversion of any footpath or bridleway is made by a planning authority or an order under section”;

(b) in paragraph (a) after the words “which the” there were inserted the words “footpath or bridleway is stopped up or diverted or as the case may be the” and for the words “local authority” there were substituted the words “authority which made the order”;

(c) in paragraph (b), for the words from “to the” to “months” there were substituted the words “not later than the end of the said period of three months to the authority which made the order”; and

(d) in each of paragraphs (d) and (e), for the words “local authority” there were substituted the words “authority which made the order”.

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(6) Section 209(4) shall have effect as if for the reference to the Post Office there were substituted a reference to the Corporation and for the words from “under” to “local authority” there were substituted the words “to which subsection (3) of this section applies, the authority which made the order”.

(7) Section 212(1) (cases in which land is not to be treated as operational land) shall, in relation to the Corporation, have effect with the substitution for the reference to section 211 of a reference to paragraph 12(1).

(8) Section 212 shall not apply to land in the case of which an interest therein, having vested in the Post Office by virtue of the 1969 Act, vests in the Corporation by virtue of this Act.

(9) The reference to the Post Office in paragraph 70 of Schedule 22 shall be construed as referring to the Corporation.

S.I. 1972/1634
(N.I. 17.)

55.—(1) The Planning (Northern Ireland) Order 1972 shall, as from the appointed day, be amended in accordance with the following sub-paragraphs.

(2) The reference to the Post Office in the definition of “statutory undertaker” in article 2(2) shall be construed as including a reference to the Corporation.

(3) The reference to the Post Office in article 80(2) (service of certain notices and draft orders) shall be construed as referring to the Corporation.

(4) Article 81(1) (which makes provision as to telegraphic lines of the Post Office) shall, in relation to an order coming into force on or before the appointed day, have effect as if for the second reference to the Post Office there were substituted a reference to the Corporation and, in relation to an order coming into force after that day, as if for each reference to the Post Office there were substituted a reference to the Corporation.

(5) Article 81(3) shall have effect as if for the words “Post Office removes” there were substituted the words “Post Office has removed, or British Telecommunications removes”, as if for the word “serves” there were substituted the words “British Telecommunications serves” and as if for the words “the Post Office”, in the second and third places where they occur, there were substituted the words “British Telecommunications”.

(6) The reference to the Post Office in paragraph 12(3) of Schedule 5 shall be construed as referring to the Corporation.

1973 c. 19. 56.—(1) As from the appointed day, the reference to the Post Office in section 3(1)(c) of the Independent Broadcasting Authority Act 1973 (arrangements for broadcast relay stations) shall be construed as referring to the Corporation.

(2) As from the appointed day, section 3(7) of the said Act of 1973 (saving for licences) shall have effect as if for the words “section 27 of the Post Office Act 1969” there were substituted the words “section 15 of the British Telecommunications Act 1981”.

57.—(1) As from the appointed day, references to the Post Office in sections 11(3) and 19(1) of the Northern Ireland Constitution Act 1973 (agency arrangements and discrimination by public authorities) shall be construed as including references to the Corporation. SCH. 3
1973 c. 36.

(2) As from the appointed day, Schedule 3 to the said Act of 1973 (reserved matters) shall have effect as if—

(a) the words “telecommunications and” were omitted from paragraph 13 of that Schedule; and

(b) after the said paragraph 13 there were inserted the following paragraph—

“13A. Telecommunications.”

58. As from the appointed day, Schedule 5 to the Fair Trading Act 1973 (restriction on references) shall have effect as if— 1973 c. 41.

(a) in paragraph 7 for the reference to paragraphs (a) to (d) of section 24(1) of the 1969 Act there were substituted a reference to paragraphs (a) to (d) of section 12(1); and

(b) in the second column of paragraph 8 for the reference to the Post Office there were substituted a reference to the Corporation.

59. As from the appointed day, references to the Post Office in paragraph 3 of Schedule 9 to the Drainage (Northern Ireland) Order 1973 (saving for telegraphic lines of the Post Office) shall be construed as referring to the Corporation. S.I. 1973/69
(N.I. 1).

60. As from the appointed day, the reference to the Post Office in section 16(6) of the Consumer Credit Act 1974 (which exempts certain agreements from regulation by that Act) shall be construed as referring to the Corporation. 1974 c. 39.

61. As from the appointed day, references to the Post Office in section 136(2) of the Social Security Act 1975 (issue out of the National Insurance Fund to the Post Office of sums which, but for certain arrangements, would have been paid out of that Fund by way of benefit) shall be construed as including references to the Corporation. 1975 c. 14.

62. As from the appointed day, references to the Post Office in section 130(2) of the Social Security (Northern Ireland) Act 1975 (issue out of the Northern Ireland National Insurance Fund to the Post Office of sums which, but for certain arrangements, would have been paid out of that Fund by way of benefit) shall be construed as including references to the Corporation. 1975 c. 15.

63. As from the date on which the Treasury first exercise the power conferred on them by section 79(1), Part III of Schedule 1 to the House of Commons Disqualification Act 1975 and Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (which specify certain offices all holders of which are disqualified under those Acts) shall each have effect as if at the end of the entry relating to directors of Cable and Wireless Limited there were

SCH. 3 inserted the words “nominated by a Minister of the Crown or Government department”.

1975 c. 69. 64. As from the appointed day, the reference to the Post Office in section 10(8) of the Scottish Development Agency Act 1975 (saving for powers and duties under the Telegraph Acts) shall be construed as referring to the Corporation.

1975 c. 78. 65. As from the appointed day, references to the Post Office in section 20 of the Airports Authority Act 1975 (provisions as to telegraphic lines) shall be construed as referring to the Corporation.

1976 c. 25. 66. As from the appointed day, the reference to the Post Office in section 9(2)(d) of the Fair Employment (Northern Ireland) Act 1976 (publication of names of equal opportunity employers) shall be construed as including a reference to the Corporation.

1976 c. 70. 67.—(1) As from the appointed day, section 32(2) of the Land Drainage Act 1976 (saving for exclusive privilege) shall have effect as if for the words “the Post Office by section 24(1) of the Post Office Act 1969” there were substituted the words “British Telecommunications by section 12(1) of the British Telecommunications Act 1981”.

(2) As from the appointed day, references to the Post Office in sections 23(4) and 112(2) of the said Act of 1976 (protection of nationalised undertakings) shall be construed as including references to the Corporation.

1976 c. 75. 68.—(1) The Development of Rural Wales Act 1976 shall, as from the appointed day, be amended in accordance with the following subparagraphs.

(2) The reference to the Post Office in paragraph 38(7) of Schedule 3 (extinguishment of public rights of way) shall be construed as including a reference to the Corporation.

(3) Paragraph 39(1) of that Schedule (which makes provision as to telegraphic lines of the Post Office) shall have effect as if the first reference to a telegraphic line belonging to, or used by, the Post Office included a reference to such a line of the Corporation, as if for the words “the Post Office”, in all places (except the first, third and sixth) where they occur, there were substituted the words “British Telecommunications” and as if—

(a) in relation to any such period mentioned in paragraph (a) as begins to run before, and is current on, the appointed day, after the words “the Post Office” (where secondly occurring in paragraphs (a) and (c)) there were inserted the words “or British Telecommunications”;

(b) in relation to any such period so mentioned as begins to run on or after the appointed day, for the words “the Post Office” (where secondly occurring in paragraphs (a) and (c)) there were substituted the words “British Telecommunications”.

69. As from the appointed day, the reference to the Post Office in article 29(2) of the Gas (Northern Ireland) Order 1977 (saving for telegraphic lines of Post Office) shall be construed as referring to the Corporation. SCH. 3
S.I. 1977/596
(N.I. 7).

70. As from the appointed day, article 50(1)(a)(iii) of, and paragraph 1 of Part III of Schedule 16 to, the Rates (Northern Ireland) Order 1977 (rating in Northern Ireland) shall have effect as if for the words "section 54 of the Post Office Act 1969" there were substituted the words "section 37 of the British Telecommunications Act 1981". S.I. 1977/2157
(N.I. 28)

71.—(1) As from the appointed day, references to the Post Office in paragraphs 4, 5(3) and 36 of Schedule 4 to the Water (Scotland) Act 1980 (protection of telegraphic lines from interference) shall be construed as referring to the Corporation. 1980 c. 45.

(2) The reference in sub-paragraph (1) to the said Schedule 4 shall be construed as including a reference to that Schedule as incorporated or applied by or under any enactment in force at the beginning of the appointed day.

72. As from the appointed day, references to the Post Office in section 2(2) of and Part I of Schedule 1 to the Overseas Development and Co-operation Act 1980 shall be construed as including a reference to the Corporation. 1980 c. 63.

73.—(1) The Local Government, Planning and Land Act 1980 shall, as from the appointed day, be amended in accordance with the following sub-paragraphs. 1980 c. 65.

(2) The reference to the Post Office in Schedule 16 (bodies to whom Part X applies) shall be construed as including a reference to the Corporation.

(3) Paragraph 13 of Schedule 28 (which makes provision as to telegraphic lines of the Post Office) shall have effect as if the first reference to a telegraphic line belonging to or used by the Post Office included a reference to such a line of the Corporation, as if for the words "the Post Office", in all places (except the first and third) where they occur, there were substituted the words "British Telecommunications" and as if—

(a) in relation to any such period mentioned in paragraph (a) as begins to run before, and is current on, the appointed day, after the words "the Post Office" (where secondly occurring in paragraph (a)) there were inserted the words "or British Telecommunications" and for the word "it" in paragraph (c) there were substituted the words "the Post Office or British Telecommunications";

(b) in relation to any such period so mentioned as begins to run on or after the appointed day, for the words "the Post Office" (where secondly occurring in paragraph (a)) there were substituted the words "British Telecommunications".

(4) The references to the Post Office in paragraph 14(7) of that Schedule shall be construed as referring to the Corporation.

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1980 c. 66.

74.—(1) The Highways Act 1980 shall, as from the appointed day, be amended in accordance with the following sub-paragraphs.

(2) References to the Post Office in sections 35, 142(5), 157(9), 177 and 181(7) (protection for apparatus) shall be construed as referring to the Corporation; and the reference to the Post Office in section 174(5) shall be construed as including a reference to the Corporation.

(3) The references to the Post Office in section 334(1) (savings for the Post Office) shall be construed as referring to the Corporation.

(4) Section 334(2) shall, in relation to a conveyance on or after the appointed day or an order coming into force on or after that day, have effect as if for the reference to the Post Office there were substituted a reference to the Corporation and for the words “the date” there were substituted the words “at the beginning of the day”.

(5) The reference to the Post Office in section 334(3) shall be construed as referring to the Corporation.

(6) Section 334(4) shall have effect as if the first reference to a telegraphic line belonging to, or used by, the Post Office included a reference to such a line of the Corporation, as if for the words “the Post Office”, in all places (except the first and third) where they occur, there were substituted the words “British Telecommunications” and as if—

(a) in relation to any such period mentioned in paragraph (a) as begins to run before and is current on the appointed day, for the words “the Post Office” (where secondly occurring in that paragraph) and for the word “they” in paragraph (b) there were substituted the words “the Post Office or British Telecommunications”;

(b) in relation to any such period so mentioned as begins to run on or after that day, for the words “the Post Office” (where secondly occurring in paragraph (a)) there were substituted the words “British Telecommunications”.

(7) The reference in section 334(5) to the Post Office shall be construed as referring to the Corporation.

(8) Section 334(6) and (7) shall, in relation to an order coming into force on or after the appointed day, have effect as if for the references to the Post Office there were substituted references to the Corporation and for the words “immediately before the date”, in both places where they occur, there were substituted the words “at the beginning of the day”.

(9) Section 334(10) shall, in relation to an order coming into force on or before the appointed day, have effect as if for the second reference to the Post Office there were substituted a reference to the Corporation and, in relation to an order coming into force after that day, have effect as if for each reference to the Post Office there were substituted a reference to the Corporation.

S.I. 1980/1085
(N.I. 11)

75.—(1) As from the appointed day, references to the Post Office in paragraph 1 of Schedule 7 to the Roads (Northern Ireland) Order 1980 (saving for telegraphic lines of the Post Office) shall be construed as including references to the Corporation.

(2) As from the appointed day, paragraph 2 of Schedule 7 to that Order shall, in relation to an order coming into force on or before the appointed day, have effect as if for the second reference to the Post Office there were substituted a reference to the Corporation and, in relation to an order coming into force after that day, as if for each reference to the Post Office there were substituted a reference to the Corporation.

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76.—(1) Where the alteration of a telegraphic line of the Corporation is reasonably necessary for the purposes of enabling the Northern Ireland Housing Executive to exercise any of the powers conferred on it by Chapter II, III or V of Part III of the Housing (Northern Ireland) Order 1981, paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the Northern Ireland Housing Executive.

S.I. 1981/156
(N.I. 3)
1878 c. 76.

(2) Where, in pursuance of an order under section 25 of the New Towns Act (Northern Ireland) 1965 or article 51 of the said Order of 1980 that comes into operation on or after the appointed day, a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation, there is under, in, on, over, along or across the land a telegraphic line of the Corporation, the Corporation shall have the same powers in respect of the line as if the order had not come into operation; but, if a person entitled to land over which the right of way subsisted requires that the line should be altered, paragraphs (1) to (8) of the said section 7 shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person by whom the alteration is required.

1965 c. 13 (N.I.)

(3) In this paragraph “telegraphic line” and “alteration” have the same meanings as in the Telegraph Act 1878.

1878 c. 76.

PART III

LOCAL ENACTMENTS AND SUBORDINATE LEGISLATION

77.—(1) As from the appointed day, the enactments specified in the following Table (which penalise the use of public telephone boxes for the purpose of making false calls for police assistance, giving false alarms of fire and the like, but are so framed that, unless amended, they will become of no effect on the appointed day) shall have effect as if—

- (a) for any reference to a call box of the Post Office telephone service there were substituted a reference to a call box of the Corporation’s telephone service;
- (b) for any reference to a telephone call box provided by the Post Office there were substituted a reference to a telephone call box provided by the Corporation; and
- (c) for any reference to a Post Office telephone call box there were substituted a reference to a Corporation telephone call box.

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TABLE

1937 c. lxxx.	Section 83(2) of the Rotherham Corporation Act 1937.
1938 c. liv.	Section 176(2) of the Redcar Corporation Act 1938.
1938 c. lvi	Section 167(2) of the Swinton and Pendlebury Corporation Act 1938.
1938 c. lxiii.	Section 211(2) of the Clacton Urban District Council Act 1938.
1939 c. lxxv.	Section 89(2) of the Tiverton Corporation Act 1939.
1939 c. lxxxviii.	Section 110(2) of the Macclesfield Corporation Act 1939.
1940 c. xxx.	Section 101(2) of the Christchurch Corporation Act 1940.
1947 c. xlv.	Section 154(2) of the Preston Corporation Act 1947.
1948 c. xxxviii.	Section 71(2) of the Brighton Corporation Act 1948.
1948 c. xli.	Section 173(2) of the Ipswich Corporation Act 1948.
1949 c. li.	Section 89(2) of the Barnsley Corporation Act 1949.
1951 c. xliv.	Section 178(2) of the Worcester Corporation Act 1951.
1951 c. xlv.	Section 89(2) of the Nottinghamshire County Council Act 1951.
1953 c. xli.	Section 85(2) of the Berkshire County Council Act 1953.
1956 c. xl.	Section 97(2) of the Gloucestershire County Council Act 1956.
1956 c. xlix.	Section 96(2) of the Leicester Corporation Act 1956.
1958 c. vi.	Section 60(2) of the Kent County Council Act 1958.
1960 c. xliii.	Section 70(2) of the Southampton Corporation Act 1960.
1960 c. xlix.	Section 41(2) of the Hertfordshire County Council Act 1960.
1960 c. lii.	Section 60(2) of the Oldham Corporation Act 1960.
1961 c. xlv.	Section 30(3) of the Devon County Council Act 1961.
1962 c. xxvi.	Section 10(2) of the Grimsby Corporation Act 1962.
1963 c. xxxvii.	Section 44(2) of the Durham County Council Act 1963.
1966 c. xv.	Section 29(2) of the Exeter Corporation Act 1966.
1970 c. xxiv.	Section 14(2) of the Huntingdon and Peterborough County Council Act 1970.
1971 c. xv.	Section 107(2) of the Teesside Corporation (General Powers) Act 1971.
1971 c. xxxvi.	Section 63(2) of the Surrey County Council Act 1971.
1971 c. l.	Section 44(2) of the Stockport Corporation Act 1971.
1971 c. lx.	Section 61(2) of the Torbay Corporation (No. 2) Act 1971.
1971 c. lxiii.	Section 66(2) of the Oxfordshire County Council Act 1971.

(2) Any enactment contained in a local Act which is not specified in the above Table but is similar to any enactment so specified shall, as from the appointed day, have effect subject to the like amendment as is made by paragraph (a), (b) or (c) of sub-paragraph (1), as the case may require.

78.—(1) Nothing in—

(a) the London Building Acts 1930 to 1939 or byelaws thereunder ; or

(b) a special enactment passed or made before the appointed day (including such an enactment relating to Scotland or

Northern Ireland) for purposes similar to those of an enactment contained in Part V or IX of the Highways Act 1980 (except sections 156, 157 and 159),

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1980 c. 66.

shall affect any powers of the Corporation under the enactments relating to telegraphs or apply to any telegraphic lines placed or maintained by the Postmaster General, the Post Office or the Corporation by virtue of those enactments.

(2) In this paragraph, "special enactment" has the same meaning as in the Highways Act 1980.

79.—(1) As from the appointed day, subsections (2) and (3) of section 59 of the Metropolitan Water Board (Various Powers) Act 1907 (which empower the Post Office to place telegraphic lines along, over or across the lands, works and undertaking of the Metropolitan Water Board) shall be construed so as to confer and impose on the Corporation the like rights and liabilities as are, immediately before that day, conferred and imposed on the Post Office and so as to render it subject to the like restrictions as those to which it is subject by virtue thereof immediately before that day; and anything done by or to the Post Office under those subsections before that day shall, as from that day, be treated as having been done by or to the Corporation.

1907 c. clxxiv.

(2) As from the appointed day, the reference to the Post Office in subsection (4) of the said section 59 (saving for its rights in relation to the Lee Navigation) and the reference to it in the proviso to section 11 of the Metropolitan Water Board Act 1915 (which saves its rights under, amongst other enactments, the said Act of 1907) shall be construed as referring to the Corporation.

1915 c. lxxiii.

80. Subsection (3) of section 77 of the Kingston upon Hull Corporation Act 1967 (which provides that byelaws made under that section with reference to the telephone system maintained by the Corporation of Kingston upon Hull shall continue in force only so long as there is in force a licence granted, or having effect as if granted, under section 27 of the 1969 Act by the Post Office to the said Corporation permitting that Corporation to provide telephonic services) shall, as from the appointed day, have effect as if, for the reference to such a licence, there were substituted a reference to a licence so permitting granted, or having effect as if granted, under section 15 by the Corporation; and the references in subsection (4) of the said section 77 to any such licence as is mentioned in subsection (3) shall, as from that day, be construed accordingly.

1967 c. xxxiii.

81. A benefit conferred on the Post Office by a provision of a local Act passed in the same session as this Act or a previous session or of an order confirmed by an Act so passed consisting in securing that a power conferred by the Act or order to acquire land compulsorily, to secure compulsorily the creation of an easement or other right over land or to execute works on, under or over land shall not, except with its consent or agreement, be exercisable in relation to land specified or described in that provision shall, as from the appointed day, also enure for the benefit of the Corporation.

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82.—(1) As from the appointed day, a provision to which this paragraph applies which refers to the rights or powers of the Post Office under a provision of an enactment relating to telegraphs or to the exclusive privilege conferred on it by section 24 of the 1969 Act shall have effect with the substitution—

- (a) for any reference to the Post Office of a reference to the Corporation; and
- (b) for any reference to the said section 24 of a reference to section 12(1).

(2) A provision to which this paragraph applies that operates to afford protection to, or confer a benefit on, the Post Office with reference to, or to accommodation for, telegraphic lines of it or used by it or to communication by means of telegraphic lines of it or used by it, shall, as from the appointed day, be construed so as, in all respects, to afford the like protection to, or confer the like benefit on, the Corporation with reference to, or to accommodation for, telegraphic lines of it or used by it or, as the case may be, to communication by means of telegraphic lines of it or used by it and subject to the like incidents (if any) as those to which the protection afforded to, or the benefit conferred on, the Post Office is subject (references to the Corporation being, accordingly, substituted where necessary for references to the Post Office); and, so far as may be necessary to preserve continuity in the giving of effect to that provision, anything done before the appointed day by or to the Post Office shall be treated, for the purposes of that provision, as having been done by or to the Corporation.

(3) A provision to which this paragraph applies that operates to permit vehicles in the service of, or employed by, the Post Office to wait on a highway in circumstances in which their waiting there would, apart from that provision, be unlawful, shall, as from the appointed day, have effect as if any reference to the Post Office included a reference to the Corporation.

(4) The provisions to which this paragraph applies are those of a local Act passed in the same session as this Act or in a previous session, those of an order confirmed by an Act so passed and those of a scheme or order made before the passing of this Act under any Act (whether public general or local).

(5) In this paragraph, “telegraphic line” means anything falling within the definition of that expression in the Telegraph Act 1878.

1878 c. 76.

83. Nothing in a local Act passed in the same session as this Act shall authorise the doing of anything constituting an infringement of the privilege conferred by section 12(1).

84. As from the appointed day, article 7 of the Visiting Forces and International Headquarters (Application of Law) Order 1965 (which empowers the making, by agreement, of exceptions from, among other things, the exclusive privilege of the Post Office with respect to telecommunication) shall have effect as if for the words “section 24(1) of the Post Office Act 1969, and the prohibition imposed by section 89 of that Act” in paragraph (b) there were substituted the words “section 12(1) of the British Telecommunications Act 1981, and the prohibition imposed by section 89 of the Post Office Act 1969”.

S.I. 1965/1536.

SCHEDULE 4

Section 88.

GENERAL TRANSITIONAL PROVISIONS

1. Except as otherwise provided by any provision of this Act (whether expressly or by necessary implication), any statutory provision, any agreement and any provision in a document other than an agreement (not being a provision or agreement to which paragraph 8 or 9 of Schedule 2 applies) shall, so far as may be necessary in consequence of the enactment of this Act, have effect as from the appointed day as if—

- (a) references to the Post Office (except in cases where they fall to be adapted by the following provisions of this paragraph) were (or, if the context so requires, included) references to the Corporation ;
- (b) references in general terms (however worded) to persons employed by, persons engaged in the business of, or agents of, the Post Office were (or, if the context so requires, included) references to persons employed by, persons engaged in the business of, or agents of, the Corporation ;
- (c) references (whether express or implied and, if express however worded) to a person employed by, or engaged in the business of, the Post Office and holding a specified office or serving in a specified capacity were (or, if the context so requires, included) references to a person employed by, or engaged in the business of, the Corporation who corresponds, as nearly as may be, to the first-mentioned person ;
- (d) references (whether express or implied and, if express, however worded) to property of the Post Office were (or, if the context so requires, included) references to property of the Corporation and references (whether express or implied and, if express, however worded) to land or premises occupied by the Post Office were (or if the context so requires, included) references to land or premises occupied by the Corporation.

2. A direction given by the Secretary of State to the Post Office under section 11 of the 1969 Act which is effective on the appointed day and relates to functions conferred on the Corporation by this Act shall, so far as so relating, have effect as from that day as if given to the Corporation under section 6.

3.—(1) Subsections (1) and (2) of section 7 shall have effect in relation to the first accounting year of the Corporation as if—

- (a) the three accounting years of the Post Office immediately preceding that year had been accounting years of the Corporation ; and
- (b) things of any kind which during those years or that year were constructed, manufactured or produced for the corresponding purpose by the Post Office had been constructed, manufactured or produced for the relevant purpose by the group ;

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and those subsections shall have similar effect, so far as may be necessary, in relation to the second, third and fourth accounting years of the Corporation.

(2) In this paragraph—

“the corresponding purpose” means the purpose of use by the Post Office, or supply by the Post Office to outside persons for use by such persons—

(a) in connection with, or in the construction, manufacture or production of articles for use in connection with, telecommunication services by whomsoever provided ;

(b) for, or in the construction, manufacture or production of articles for use for, the provision of telecommunication services ; or

(c) in connection with other services provided by the Post Office ;

“the group” and “the relevant purpose” have the same meanings as in section 7.

4. An approval given by the Secretary of State to the Post Office under section 13(2) of the 1969 Act which is effective on the appointed day and relates to activities which the Corporation proposes to carry on shall, so far as so relating, have effect, as from that day, as if given to the Corporation under section 8.

5. Section 13(4) shall have effect as if any apparatus which is comprised in a telecommunication system and was supplied before the appointed day by the Post Office had been supplied on that day by the Corporation.

6.—(1) A licence granted, or having effect as if granted, by the Post Office under section 27(1) of the 1969 Act which is effective on the appointed day shall, as from that day, have effect as if granted by the Corporation under section 15(1).

(2) A licence falling within sub-paragraph (1) may be revoked by the Secretary of State notwithstanding anything in the licence.

7.—(1) A scheme made by the Post Office under section 28 of the 1969 Act which is effective on the appointed day and relates to services which, by virtue of this Act, are to be provided by the Corporation shall, so far as so relating, have effect, as from that day, as if made by the Corporation under section 21.

(2) Any charges fixed under any such scheme, so far as so relating, shall have effect as if fixed under a scheme made under section 21.

(3) A scheme made under section 21 which is to come into effect on the appointed day may revoke or amend any such scheme as is mentioned in sub-paragraph (1).

8.—(1) Section 22(2) shall have effect as if any application for the inclusion of a special entry in a telecommunication directory acceded to by the Post Office before the appointed day in pursuance of a scheme made under section 28 of the 1969 Act, being an application in the case of which the Post Office's accession is effective on that day, had been acceded to by the Corporation on that day in pursuance of a scheme made under section 21.

(2) In this paragraph "special entry" and "telecommunication directory" have the same meanings as in section 22.

9.—(1) Sections 26(3), 27(2), 73(3) and 74(2) shall have effect as if—

- (a) any money borrowed by the Post Office the liability to repay which is transferred to the Corporation by this Act were money borrowed by the Corporation and not by the Post Office ;
- (b) any sums issued by the Treasury in fulfilment of a guarantee under section 38 of the 1969 Act, being sums the liability to repay which is so transferred, were sums issued by the Treasury in fulfilment of a guarantee under section 29 and not a guarantee under the said section 38 ; and
- (c) so much of the debt assumed by the Post Office under section 33 of the 1969 Act as is so transferred (in this paragraph referred to as "the Corporation's assumed debt") were money borrowed by the Corporation and not part of the debt assumed by the Post Office.

(2) A guarantee given by the Treasury under section 38 of the 1969 Act which is effective on the appointed day and relates to money borrowed by the Post Office the liability to repay which is transferred to the Corporation by this Act shall, so far as so relating, have effect, as from that day, as if given by the Treasury under section 29.

(3) The rate of interest on the Corporation's assumed debt and the date from which interest is to begin to accrue, the arrangements for paying off the principal of the said debt and the other terms of the said debt shall be such as the Secretary of State, with the approval of the Treasury, may from time to time determine ; and different rates and dates may be determined under this sub-paragraph with respect to different portions of the said debt.

(4) The Secretary of State shall give notice in writing to the Corporation of any determination under sub-paragraph (3).

(5) Any sums received by the Secretary of State by way of interest on, or repayment of, the Corporation's assumed debt shall be paid into the National Loans Fund.

10. An authorisation given, or having effect as if given, by the Post Office under section 61 of the 1953 Act which is effective on

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the appointed day and relates to property transferred to the Corporation by this Act shall so far as so relating have effect as from that day as if given by the Corporation under section 46.

11.—(1) A certificate given by the Post Office under section 69 of the 1969 Act which is effective on the appointed day and relates to sums the right to recover which is transferred to the Corporation by this Act shall so far as so relating have effect, as from that day, as if given by the Corporation under section 53.

(2) Section 53(1) shall have effect as if any sum due to the Post Office before the appointed day under the provisions of a scheme made under section 28 of the 1969 Act, being a sum the right to recover which is transferred to the Corporation by this Act, were a sum due to the Corporation under the provisions of a scheme made under section 21.

12. An undertaking given, or having effect as if given, to the Post Office under section 51 of the 1953 Act which is effective on the appointed day and relates to property transferred to, or functions conferred on, the Corporation by this Act shall have effect, as from that day, as if given to the Corporation under section 55.

1863 c. 112.
1878 c. 76.

13. Where, on the appointed day, there are in progress any proceedings for the settlement or determination, under the Telegraph Act 1863 or the Telegraph Act 1878, of a difference, dispute, matter or question or the amount or application of compensation, being proceedings to which the Post Office is a party, the Corporation shall be substituted for the Post Office as a party to the proceedings; and where, on that day, there are in progress any proceedings under section 8 of the last-mentioned Act for the recovery by the Post Office of either or both of the following, namely, expenses incurred by it in making good destruction of, or injury to, a telegraphic line and a daily fine in respect of the interruption of telegraphic communication, the Corporation shall be similarly substituted.

14.—(1) This paragraph applies to the following instruments, namely—

- (a) the agreement dated 2nd April 1962 whereto the parties are the Postmaster General and the Commercial Cable Company, Incorporated (a company incorporated under the law of the State of New York of the United States of America);
- (b) the agreement dated 1st April 1963 whereto the parties are the Postmaster General and the Compagnie Française des Câbles Télégraphiques S.A. (a company incorporated under the law of France);
- (c) the agreement dated 27th December 1965 whereto the parties are the Postmaster General and Western Union International, Incorporated (a company incorporated under the law of the State of Delaware of the United States of America); and

(d) the licence dated 1st March 1966 whereto the parties are Her Majesty, the Crown Estate Commissioners, the Postmaster General and Det Store Nordiske Telegraf-Selskab Aktieselskab (a company incorporated under the law of the Kingdom of Denmark and commonly known in the United Kingdom, and in that licence referred to, as the Great Northern Telegraph Company Limited).

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(2) Nothing done, on or after the appointed day, under, and in accordance with the terms of, an instrument to which this paragraph applies, shall constitute an infringement of the privilege conferred by section 12(1).

15. A notice or certificate given, request made or requirement imposed under any provision of the enactments relating to telegraphs by, to or on the Post Office which is effective at the appointed day shall, as from that day, have effect as if given, made or imposed by, to or on the Corporation.

16. An authority granted under section 5(1) of the Telegraph Act 1892 c. 59. 1892 which is effective at the appointed day shall, as from that day, have effect as if it had been granted under that section as amended by paragraph 4 of Schedule 3.

17. Any such council as is mentioned in the Telegraph Act 1899 1899 c. 38, which, at the beginning of the appointed day, is licensed by the Post Office to provide a system of public telephonic communication, shall, so long as the licence continues in force, be deemed, for the purposes of that Act, to be licensed by the Corporation so to provide.

18.—(1) A notice given under section 26 of the Electric Lighting Act 1882 1882 c. 56. Act 1882 by undertakers to the Post Office which is effective at the appointed day shall, as from that day, have effect as if given to the Corporation; any requirements made under that section by the Post Office which are so effective shall, as from that day, have effect as if made by the Corporation; and any arbitration on a difference under that section which is in progress immediately before that day may be continued with the substitution of the Corporation for the Post Office as a party thereto.

(2) A requirement imposed under section 4(2) of the Electric Lighting Act 1888 1888 c. 12. Act 1888 by the Post Office which is effective at the appointed day shall, as from that day, have effect as if imposed by the Corporation.

(3) An approval given under section 10(c) of the Schedule to the Electric Lighting (Clauses) Act 1899 1899 c. 19. with the concurrence of the Post Office which is effective at the appointed day shall, as from that day, have effect as if given with the concurrence of the Corporation; a notice served under section 14 of the Schedule by undertakers on the Post Office which is so effective shall, as from that

- SCH. 4 day, have effect as if served on the Corporation; a requirement imposed or approval or disapproval notified under that section by the Post Office which is effective at the appointed day shall, as from that day, have effect as if imposed or notified by the Corporation; and a requirement imposed under section 60 of that Schedule which is effective at the appointed day shall, as from that day, have effect as if imposed by the Corporation.
- (4) Any notice given under section 20 of the Schedule to the Electric Lighting (Clauses) Act 1899 to the Post Office which is effective at the appointed day shall, as from that day, have effect as if given to the Corporation, any requisition served under that section by the Post Office which is effective at that day shall, as from that day, have effect as if served by the Corporation and any arbitration under that section which is in progress immediately before that day, being an arbitration to which the Post Office is a party, may be continued with the substitution of the Corporation for the Post Office.
- 1914 c. 59 19. An order under section 24 of the Bankruptcy Act 1914 which is effective at the appointed day shall, as from that day, have effect as if any reference therein to the Post Office included a reference to the Corporation.
- 1945 c. 43. 20. A notice under section 24 of the Requisitioned Land and War Works Act 1945 which has been given, or has effect as if given, by or to the Post Office and is effective at the appointed day, shall, as from that day, have effect as if given by or to the Corporation.
- 1950 c. 39. 21.—(1) Nothing in this Act shall affect the validity of anything done by, or in relation to, the Post Office before the appointed day under or by virtue of the Public Utilities Street Works Act 1950; and anything which, immediately before that day, is in process of being done under, or by virtue of, that Act by or in relation to it (including, in particular, any legal proceedings to which it is a party) may be continued by, or in relation to, the Corporation.
- (2) Any notice or direction given or other thing whatsoever done under the said Act of 1950 by the Post Office shall, if effective at the appointed day, continue in force and have effect as if similarly given or done by the Corporation.
- 22.—(1) If the appointed day is other than a 1st April, the period beginning with the immediately preceding 1st April and ending with the next following 31st March shall be the first accounting year of the Corporation and sub-paragraphs (2) and (3) shall have effect in relation to that period.
- (2) The report made by the Corporation under section 6(12) in respect of the period mentioned in sub-paragraph (1) shall include, and the report made by the Post Office under section 11(10) of the 1969 Act in respect of that period shall exclude, the exercise and performance by the Post Office and its subsidiaries of functions which, if the appointed day had been the immediately preceding 1st April, would have been exercised and performed by the Corporation and its subsidiaries.

(3) Any statement of accounts prepared in respect of the period mentioned in sub-paragraph (1) by the Corporation under section 31 or by the Post Office under section 75 shall give a true and fair view of what, in its opinion, would have been the profit or loss of the body or bodies to which the statement relates if—

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- (a) the profit or loss for that period of the part of the Post Office's undertaking which is transferred to the Corporation by this Act had been a profit or loss of the Corporation ; and
- (b) any of the Post Office's subsidiaries which are so transferred had been subsidiaries of the Corporation during the whole of that period.

(4) All expenses incurred by the Corporation before the beginning of its first accounting year shall, for the purposes of its accounts, be treated as expenses incurred in that year ; and all sums received by the Corporation before the beginning of that year shall be treated for those purposes as receipts attributable to that year.

(5) In relation to the accounting year of the Post Office ending 31st March next before the appointed day, the Corporation shall furnish the Post Office with all such information as the Post Office may require to enable it to discharge the duties imposed on it by sections 11(10) and 42 of the 1969 Act (duty to prepare a statement of accounts and report on the business of the Post Office).

SCHEDULE 5

Section 88.

SPECIAL TRANSITIONAL PROVISIONS WITH RESPECT TO PATENTS FOR INVENTIONS AND REGISTERED DESIGNS

PART I

INTERPRETATION

1. In this Schedule "agreement to which this Schedule applies" means an agreement in the case of which rights and liabilities thereunder, having vested in the Post Office by virtue of the 1969 Act, are transferred to the Corporation by this Act.

PART II

PATENTS FOR INVENTIONS

2. For the purposes of so much of section 32(1) of the Patents Act 1949 as provides that a patent may be revoked on the grounds that the invention, so far as claimed in any claim of the complete specification, was secretly used in the United Kingdom before the priority date of that claim, no account shall be taken of any use, on or after the appointed day, of the invention by the Corporation or a person authorised by it, in consequence of the applicant for the patent or any person from whom he derives title having communicated or disclosed the invention directly or indirectly—

1949 c. 87.

- (a) before 1st October 1969, to a government department or person authorised by a government department ;
- (b) on or after 1st October 1969, in pursuance of an agreement in the case of which rights and liabilities thereunder vested in the Post Office by virtue of the 1969 Act, to the Post Office or a person authorised by it ; or

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(c) on or after the appointed day, in pursuance of an agreement to which this Schedule applies, to the Corporation or a person authorised by it.

3.—(1) Where an agreement to which this Schedule applies contains provision—

1949 c. 87.

(a) conferring authority under section 46(1) of the Patents Act 1949 for the making, use or exercise of an invention for a purpose referable to the functions of the Post Office ; or

(b) providing for the conferring by the Post Office on a person of such an authority under that section,

then, on and after the appointed day—

(i) the authority conferred by the agreement, and any authority conferred before that day in pursuance of such a provision as is mentioned in head (b), shall continue in force and shall have effect so as to authorise the making, use and exercise of the invention for a purpose referable to the functions of the Corporation, being a purpose corresponding to that mentioned in head (a) ; and

(ii) the provision described in head (b) shall have effect as if it provided for the conferring by the Corporation of an authority having such effect as is mentioned in head (i).

(2) For the purpose of fulfilling obligations imposed on it by virtue of this paragraph, the Corporation shall, on and after the appointed day, have power to confer such an authority as is mentioned in head (ii) of sub-paragraph (1).

(3) Nothing in the Patents Act 1949 shall be taken to prevent the use by the Corporation, for a purpose referable to its functions, of any articles made and supplied to it in the exercise of an authority continued in force by, or conferred by virtue of, this paragraph.

4. Where by an agreement to which this Schedule applies, being an agreement made in pursuance of subsection (3) of section 46 of the Patents Act 1949 and continued in force by paragraph 3 of Schedule 10 to the 1969 Act, terms are agreed upon which use of an invention may be made by virtue of that paragraph for the manufacture of articles by the Post Office or the manufacture and supply to the Post Office of articles by a person authorised by it,—

(a) the agreement shall (so far as it relates to the use of the invention by, or with the authority of, the Post Office) have effect as from the appointed day as if, for any reference to use by virtue of that paragraph for any purpose referable to functions of the Post Office, there were substituted a reference to use by virtue of this paragraph for any purpose referable to functions of the Corporation corresponding to a purpose referable to functions of the Post Office, being a purpose in the case of which use of the invention therefor fell within the agreement ;

(b) the Corporation shall have power to use the invention for the manufacture of articles on the terms of the agreement as it has effect by virtue of this paragraph, and any person authorised by the Corporation in writing shall have power to use the invention for manufacture and supply to the

Corporation on such terms, and the Corporation shall, accordingly, have power to use, for purposes referable to its functions, articles so manufactured by, or supplied to, it.

5.—(1) Subject to sub-paragraph (3) where, on or after the appointed day, use of an invention is begun under an authority continued in force by, or conferred by virtue of, paragraph 3, the Corporation shall notify the patentee as soon as practicable after the use is begun.

(2) Subject as aforesaid, the Corporation shall furnish the patentee with such information as he may from time to time require as to the extent of use, if any, of the invention after the beginning of the appointed day under such an authority as is mentioned in sub-paragraph (1) or by virtue of paragraph 4.

(3) Nothing in the foregoing provisions of this paragraph shall impose on the Corporation an obligation to give notification or furnish information if the Secretary of State notifies it that it is contrary to the public interest to do so.

6. Where, in the case of an invention, an authority for its use is continued in force by, or is conferred by virtue of, paragraph 3. then—

(a) if and so far as the invention has, before the priority date of the relevant claim of the complete specification, been duly recorded by or tried by or on behalf of a government department otherwise than in consequence of the communication thereof, directly or indirectly, by the patentee or a person from whom he derives title, any use of the invention by virtue of paragraph 3 may be made free of any royalty or other payment to the patentee ;

(b) if and so far as the invention has not been so recorded or tried as aforesaid, any use of the invention by virtue of paragraph 3 at any time after the acceptance of the complete specification in respect of the patent or in consequence of any such communication as aforesaid, shall—

(i) except where an agreement as to terms for the use of the invention was made before 1st October 1969 under section 46(3) of the Patents Act 1949 or before the appointed day under paragraph 5 of Schedule 10 to the 1949 c. 87. 1969 Act, or a determination as to those terms was made by the court before that date under section 48 of the said Act of 1949 or before that day under paragraph 9 of the said Schedule, be made upon such terms as may be agreed upon, either before or after the use, between the Corporation and the patentee, or as may, in default of such an agreement, be determined by the court on a reference under paragraph 10 ;

(ii) in the said excepted case, be made upon the terms of the said agreement or determination.

7. The authority of the Corporation in respect of an invention may be given under paragraph 3 or 4 either before or after the patent is granted and either before or after the acts in respect of which the authority is given are done, but not so as to authorise

SCH. 5 the doing before the appointed day of any act; and such authority may be given to any person whether or not he is authorised, directly or indirectly, by the patentee to make, use, exercise or vend the invention.

1949 c. 87

8.—(1) The Corporation shall have the power to use, for a purpose referable to its functions, any article vested in it and made before 1st October 1969, in the exercise of the powers conferred by section 46 of the Patents Act 1949, by a government department, or a person authorised by a government department.

(2) In the case of articles described in sub-paragraph (1) and articles vested in the Corporation and—

- (a) made on or after 1st October 1969 under an authority continued in force by, or conferred by virtue of, paragraph 2 of Schedule 10 to the 1969 Act; or
- (b) made on or after the appointed day under an authority continued in force by, or conferred by virtue of, paragraph 3,

the Corporation, if the circumstances are such that their supply to the government of a country outside the United Kingdom is, by virtue of section 46(6) of the Patents Act 1949, included among the services of the Crown, shall have power to sell them to that government, and if the circumstances are such that their supply to the United Nations is, by virtue of that section, so included, shall have power to sell them to that organisation.

(3) In the case of articles mentioned in sub-paragraph (2) and articles vested in the Corporation and—

- (a) made on or after 1st October 1969 by virtue of paragraph 3 of Schedule 10 to the 1969 Act; or
- (b) made on or after the appointed day by virtue of paragraph 4,

the Corporation shall have power to sell to any person such, if any, of them as are not required for a purpose referable to functions of the Corporation.

(4) The purchaser of any articles sold in the exercise of powers conferred by this paragraph, and any person claiming through him, shall have power to deal with them in the same manner as if the patent were held by or on behalf of the Corporation.

9.—(1) In relation to any use of a patented invention or an invention in respect of which an application for a patent is pending, being a use made on or after the appointed day for purposes referable to functions of the Corporation—

- (a) by the Corporation under any power conferred by, or by virtue of, the foregoing provisions of this Act, or by its using articles supplied to it by the patentees or applicant for the patent under an agreement to which this Schedule applies;
- (b) by a person authorised by an authority continued in force by paragraph 3 or conferred by virtue of that paragraph or paragraph 4; or

- (c) by the patentee or applicant for the patent, for the purpose of satisfying a liability under an agreement to which this Schedule applies,

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the provisions of any licence, assignment or agreement made—

- (i) before 1st October 1969, between the patentee or applicant for the patent or any person who derives title from him or from whom he derives title, and any person other than a government department ;
- (ii) on or after 1st October 1969, between the patentee or applicant for the patent or any person who derives title from him or from whom he derives title, and any person other than the Post Office ; or
- (iii) on or after the appointed day, between the patentee or applicant for the patent or any person who derives title from him or from whom he derives title, and any person other than the Corporation,

shall be of no effect so far as those provisions restrict or regulate the use of the invention, or any model, document or information relating thereto, or provide for the making of payments in respect of any such use, or calculated by reference thereto ; and the reproduction or publication of any model or document in connection with the said use shall not be deemed to be an infringement of any copyright subsisting in the model or document.

(2) Where an exclusive licence granted otherwise than for royalties or other benefits determined by reference to the use of the invention is in force under the patent, then—

- (a) in relation to any use of the invention which, but for the provisions of this paragraph and paragraph 3, would constitute an infringement of the rights of the licensee, paragraph 6 shall have effect as if for the reference in sub-paragraph (b) thereof to the patentee there were substituted a reference to the licensee ; and
- (b) in relation to any use of the invention by the licensee by virtue of an authority continued in force by, or conferred by virtue of, paragraph 3, paragraph 6 shall have effect as if sub-paragraph (b) were omitted.

(3) Subject to the provisions of sub-paragraph (2), where the patent, or the right to apply for or obtain the patent, has been assigned to the patentee in consideration of royalties or other benefits determined by reference to the use of the invention, then—

- (a) in relation to any use of the invention by virtue of paragraph 3, paragraph 6 shall have effect as if, in sub-paragraph (b), the reference to the patentee included a reference to the assignor, and any sum payable by virtue of that paragraph or an agreement referred to in paragraph 4 shall—

- (i) except where an agreement as to the proportions in which any sum payable in relation to the use of the invention should be divided was made before 1st October 1969 under section 47(3) of the Patents Act 1949 or before the appointed day under paragraph 8(3) of Schedule 10

1949 c. 87.

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to the 1969 Act, or a determination as to those proportions was made by the court before that date under section 48 of the said Act of 1949 or before that day under paragraph 9 of the said Schedule, be divided between the patentee and the assignor in such proportions as may be agreed between them or as may, in default of such agreement, be determined by the court on a reference under paragraph 10 ;

(ii) in the said excepted case, be divided in such proportions as may be provided for by the said agreement or determination ; and

(b) in relation to any use of the invention made after the beginning of the appointed day, being use referable to the functions of the Corporation and made by the patentee for the purpose mentioned in sub-paragraph (1)(c), paragraph 6(b) shall have effect as if that use were made by virtue of an authority continued in force by paragraph 3.

(4) Where, under paragraph 6 or such an agreement as is referred to in paragraph 4, payments are required to be made by the Corporation to a patentee in respect of any use of an invention, any person, being the holder of an exclusive licence under the patent (not being such a licence as is mentioned in sub-paragraph (2)) authorising him to make that use of the invention, shall—

(a) except where an agreement as to the recovery from the patentee of a part of the payments made under section 46(3) of the Patents Act 1949 in respect of the use of the invention was made before 1st October 1969 under section 47(4) of that Act or before the appointed day under paragraph 8(4) of Schedule 10 to the 1969 Act, or a determination as to such recovery was made by the court before that date under section 48 of the said Act of 1949 or before that day under paragraph 9 of the said Schedule, be entitled to recover from the patentee such part (if any) of those payments as may be agreed upon between that person and the patentee or as may, in default of such agreement, be determined by the court on a reference under paragraph 10 to be just having regard to any expenditure incurred by that person—

(i) in developing the said invention, or

(ii) in making payments to the patentee, other than royalties or other payments determined by reference to the use of the invention, in consideration of the licence ;

(b) in the said excepted case, be entitled to recover such part, if any, of the payments as may be provided for by the said agreement or determination ;

and if that person, at any time before the amount of any such payment has been settled, gives to the Corporation notice in writing of his interest, any agreement as to the amount of that payment shall be of no effect unless it is made with his consent ; and, for the purposes of this sub-paragraph, a notice given before 1st October 1969 to the department of the Postmaster General in pursuance of section 47(4) of the Patents Act 1949 or before the appointed

day to the Post Office in pursuance of paragraph 8 of Schedule 10 to the 1969 Act shall have effect as if it had been given to the Corporation.

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(5) Where any models, documents or information relating to an invention are used in connection with any such use of the invention as is described in sub-paragraph (1), paragraph 6 shall, whether or not it applies to the use of the invention, apply to the use of the models, documents or information as if for the reference therein to the patentee there were substituted a reference to the person entitled to the benefit of any provision of a licence, assignment or agreement which is rendered inoperative by sub-paragraph (1) in relation to that use.

(6) Nothing in this paragraph shall be construed as authorising the disclosure to the Corporation or any person of any model, document or information to the use of which this paragraph applies in contravention of any such licence, assignment or agreement as aforesaid.

10.—(1) Any dispute as to the exercise by the Corporation or a person authorised by it of powers subsisting by virtue of the foregoing provisions of this Part, or as to terms for use thereunder of an invention or any models, documents or information relating to an invention, or as to the right of any person to receive any part of a payment made in pursuance of paragraph 6 or any such agreement as is referred to in paragraph 4 may be referred to the court by either party to the dispute in such manner as is prescribed by the rules for the time being in force for the purposes of section 48(1) of the Patents Act 1949.

1949 c. 87.

(2) Subsections (2) to (5) of section 48 of the Patents Act 1949 shall have effect in relation to proceedings under sub-paragraph (1) and disputes that may be determined thereunder as they do in relation to proceedings and disputes that may be determined under subsection (1) of the said section 48, but subject to the modifications that—

- (a) in subsection (2), for references to a government department there shall be substituted references to the Corporation ;
- (b) in subsection (3), for the references to section 46 of that Act and to the opinion of the government department there shall be substituted respectively references to paragraph 6(a) and to the opinion of the Secretary of State stated in a certificate signed by him ; and
- (c) in subsection (4), for the first reference to a government department there shall be substituted a reference to the Corporation, for the second such reference there shall be substituted a reference to the department of the Postmaster General, the Post Office or the Corporation, and the reference to the services of the Crown shall include a reference to the purposes of the Corporation.

(3) Any proceedings under paragraph 9 of Schedule 10 to the 1969 Act which are in progress immediately before the appointed day, being proceedings to which the Post Office is a party and

SCH. 5 which, if they had been commenced on or after that day, would have been commenced under this paragraph, may be continued with the substitution of the Corporation for the Post Office.

11.—(1) Where, in pursuance of an agreement to which this Schedule applies, being an agreement made in relation to an invention claimed under a complete specification, communication of the invention is made to the Corporation or a person authorised by it to investigate the invention or its merits, the invention shall not be deemed to have been anticipated by reason only of that communication or of anything done in consequence thereof for the purposes of the investigation.

1949 c. 87. (2) An authorisation to investigate an invention given under subsection (1) or section 51 of the Patents Act 1949 which is in force immediately before the appointed day and has effect as if given by the Post Office shall, so far as may be necessary in consequence of the enactment of Part I of this Act, have effect on and after that day as if given by the Corporation and, in relation to that invention, the said subsection (1) shall have effect as if references to a government department included references to the Corporation.

12. Expressions to which meanings are assigned by the Patents Act 1949 for the purposes of that Act have those meanings also for the purposes of this Part.

PART III

REGISTERED DESIGNS

13.—(1) Where an agreement to which this Schedule applies contains provision—

- 1949 c. 88.
- (a) conferring authority under paragraph 1(1) of Schedule 1 to the Registered Designs Act 1949 for the use of a registered design for a purpose referable to the functions of the Post Office ; or
 - (b) providing for the conferring by the Post Office on a person of such an authority under that paragraph,

then, on and after the appointed day,—

- (i) the authority conferred by the Agreement, and any authority conferred before that day in pursuance of such a provision as is mentioned in head (b), shall continue in force and shall have effect so as to authorise the use of the design for a purpose referable to the functions of the Corporation, being a purpose corresponding to that mentioned in head (a) ; and
- (ii) the provision described in head (b) shall have effect as if it provided for the conferring by the Corporation of an authority having such effect as is mentioned in head (i).

(2) For the purpose of fulfilling obligations imposed on it by virtue of this paragraph, the Corporation shall, on and after the appointed day, have power to confer such an authority as is mentioned in head (ii) of sub-paragraph (1).

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14. Where, by an agreement to which this Schedule applies, being an agreement made in pursuance of sub-paragraph (3) of paragraph 1 of Schedule 1 to the Registered Designs Act 1949 and continued in force by paragraph 13 of Schedule 10 to the 1969 Act, terms are agreed upon which use of a design may be made by virtue of the said paragraph 13 for the manufacture of articles by the Post Office, or the manufacture and supply to the Post Office of articles by a person authorised by it,—^{1949 c. 88.}

(a) the agreement shall (so far as it relates to the use of the design by, or with the authority of the Post Office) have effect as from the appointed day as if, for any reference to use by virtue of the said paragraph 13 for any purpose referable to functions of the Post Office, there were substituted a reference to use by virtue of this paragraph for any purpose referable to functions of the Corporation corresponding to a purpose referable to functions of the Post Office, being a purpose in the case of which use of the design therefor fell within the agreement ;

(b) the Corporation shall have power to use the design for the manufacture of articles on the terms of the agreement as it has effect by virtue of this paragraph, and any person authorised by the Corporation in writing shall have power to use the design for manufacture and supply to the Corporation on such terms.

15.—(1) Subject to sub-paragraph (3), where, on or after the appointed day, use of a registered design is begun under an authority continued in force by, or conferred by virtue of, paragraph 13, the Corporation shall notify the registered proprietor as soon as practicable after the use is begun.

(2) Subject as aforesaid, the Corporation shall furnish the registered proprietor with such information as he may from time to time require as to the extent of use, if any, of the registered design after the beginning of the appointed day under such an authority as is mentioned in sub-paragraph (2) or by virtue of paragraph 14.

(3) Nothing in the foregoing provisions of this paragraph shall impose on the Corporation an obligation to give notification or furnish information if the Secretary of State notifies it that it is contrary to the public interest to do so.

16. Where, in the case of a design, an authority for its use is continued in force by, or is conferred by virtue of, paragraph 13, then—

(a) if and so far as the design has, before the date of registration thereof, been duly recorded by or applied by or on behalf of a government department otherwise than in consequence of the communication of the design, directly or indirectly,

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by the registered proprietor or a person from whom he derives title, any use of the design by virtue of paragraph 13 may be made free of any royalty or other payment to the registered proprietor ;

(b) if and so far as the design has not been so recorded or applied as aforesaid, any use of the design by virtue of paragraph 13 at any time after the date of registration thereof or in consequence of any such communication as aforesaid, shall—

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(i) except in a case where an agreement as to terms for the use of the design was made before 1st October 1969 under paragraph 1(3) of Schedule 1 to the Registered Designs Act 1949 or before the appointed day under paragraph 15 of Schedule 10 to the 1969 Act, or a determination as to those terms was made by the court before that date under paragraph 3 of the said Schedule 1 or before that day under paragraph 19 of the said Schedule 10, be made upon such terms as may be agreed upon, either before or after the use, between the Corporation and the registered proprietor or as may, in default of such an agreement, be determined by the court on a reference under paragraph 20 ;

(ii) in the said excepted case, be made upon the terms of the said agreement or determination.

17. The authority of the Corporation in respect of a design may be given under paragraph 13 or 14 either before or after the design is registered and either before or after the acts in respect of which the authority is given are done, but not so as to authorise the doing before the appointed day of any act ; and such authority may be given to any person whether or not he is authorised, directly or indirectly, by the registered proprietor to use the design.

18.—(1) In the case of articles vested in the Corporation and—

(a) made before 1st October 1969, in the exercise of powers conferred by paragraph 1 of Schedule 1 to the Registered Designs Act 1949 ;

(b) made before the appointed day, under an authority continued in force by, or conferred by virtue of, paragraph 12 of Schedule 10 to the 1969 Act ; or

(c) made on or after the appointed day, under an authority continued in force by, or conferred by virtue of, paragraph 13,

the Corporation, if the circumstances are such that their supply to the government of a country outside the United Kingdom is, by virtue of paragraph 1(6) of the said Schedule 1 included among the services of the Crown, shall have power to sell them to that government, and if the circumstances are such that their supply to the United Nations is, by virtue of that paragraph, so included, shall have power to sell them to that organisation.

(2) In the case of articles mentioned in sub-paragraph (1) and articles vested in the Corporation and—

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(a) made on or after 1st October 1969 by virtue of paragraph 13 of Schedule 10 to the 1969 Act ; or

(b) made on or after the appointed day by virtue of paragraph 14,

the Corporation shall have power to sell to any person such, if any, of them as are not required for a purpose referable to functions of the Corporation.

(3) The purchaser of any articles sold in the exercise of powers conferred by this paragraph, and any person claiming through him, shall have power to deal with them in the same manner as if the rights in the registered design were held by or on behalf of the Corporation.

19.—(1) In relation to any use of a registered design or a design in respect of which an application for registration is pending, being a use made on or after the appointed day for purposes referable to functions of the Corporation—

(a) by the Corporation under any power conferred by or by virtue of the foregoing provisions of this Act ;

(b) by a person authorised by an authority continued in force by paragraph 13 or conferred by virtue of that paragraph or paragraph 14 ; or

(c) by the registered proprietor or applicant for registration for the purpose of satisfying a liability under an agreement to which this Part applies,

the provisions of any licence, assignment or agreement made,—

(i) before 1st October 1969, between the registered proprietor or applicant for registration or any person who derives title from him or from whom he derives title and any person other than a government department ;

(ii) on or after 1st October 1969, between the registered proprietor or applicant for registration or any person who derives title from him or from whom he derives title and any person other than the Post Office ; or

(iii) on or after the appointed day between the registered proprietor or applicant for registration or any person who derives title from him or from whom he derives title and any person other than the Corporation,

shall be of no effect so far as those provisions restrict or regulate the use of the design, or any model, document or information relating thereto, or provide for the making of payments in respect of any such use, or calculated by reference thereto ; and the reproduction or publication of any model or document in connection with the said use shall not be deemed to be an infringement of any copyright subsisting in the model or document.

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(2) Where an exclusive licence granted otherwise than for royalties or other benefits determined by reference to the use of the design is in force under the registered design, then—

- (a) in relation to any use of the design which, but for the provisions of this paragraph and paragraph 13 would constitute an infringement of the rights of the licensee, paragraph 16 shall have effect as if for the reference in sub-paragraph (b) thereof to the registered proprietor there were substituted a reference to the licensee ; and
- (b) in relation to any use of the design by the licensee by virtue of an authority continued in force by, or conferred by virtue of, paragraph 13, paragraph 16 shall have effect as if sub-paragraph (b) were omitted.

(3) Subject to the provisions of sub-paragraph (2), where the registered design or the right to apply for or obtain registration of the design has been assigned to the registered proprietor in consideration of royalties or other benefits determined by reference to the use of the design, then—

- (a) in relation to any use of the design by virtue of paragraph 13, paragraph 16 shall have effect as if, in sub-paragraph (b), the reference to the registered proprietor included a reference to the assignor, and any sum payable by virtue of that paragraph or an agreement referred to in paragraph 14 shall—

- (i) except in a case where an agreement as to the proportions in which any sum payable in relation to the use of the design should be divided was made before 1st October 1969 under paragraph 2(3) of Schedule 1 to the Registered Designs Act 1949 or before the appointed day under paragraph 18(3) of Schedule 10 to the 1969 Act, or a determination as to those proportions was made by the court before that date under paragraph 3 of the said Schedule 1 or before that day under paragraph 19 of the said Schedule 10, be divided between them in such proportions as may be agreed between them or as may in default of agreement be determined by the court on a reference under paragraph 20 ;

- (ii) in the said excepted case, be divided in such proportions as may be provided for by the said agreement or determination ; and

- (b) in relation to any use of the design made after the beginning of the appointed day, being use referable to the functions of the Corporation and made by the registered proprietor for the purpose mentioned in sub-paragraph (1)(c), paragraph 16(b) shall have effect as if that use were made by virtue of an authority continued in force by paragraph 13.

(4) Where, under paragraph 16 or such an agreement as is referred to in paragraph 14, payments are required to be made by the Corporation to a registered proprietor in respect of any use of a design, any person, being the holder of an exclusive licence

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under the registered design (not being such a licence as is mentioned in sub-paragraph (2)) authorising him to make that use of the design, shall—

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- (a) except where an agreement as to the recovery from the registered proprietor of a part of the payments made under paragraph 1(3) of Schedule 1 to the Registered Designs Act 1949 in respect of the use of the design was made before 1st October 1969 under paragraph 2(4) of that Schedule or before the appointed day under paragraph 18(4) of Schedule 10 to the 1969 Act, or a determination as to such recovery was made by the court before that date under paragraph 3 of the said Schedule 1 or before the appointed day under paragraph 19 of the said Schedule 10, be entitled to recover from the registered proprietor such part (if any) of those payments as may be agreed upon between that person and the registered proprietor or as may, in default of agreement, be determined by the court on a reference under paragraph 20 to be just having regard to any expenditure incurred by that person—
- (i) in developing the said design ; or
- (ii) in making payments to the registered proprietor, other than royalties or other payments determined by reference to the use of the design, in consideration of the licence ;
- (b) in the said excepted case, be entitled to recover such part, if any, of the payments as may be provided for by the said agreement or determination ;

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and if, at any time before the amount of any such payment has been settled, that person gives to the Corporation notice in writing of his interest, any agreement as to the amount of that payment shall be of no effect unless it is made with his consent ; and for the purposes of this sub-paragraph, a notice given before 1st October 1969 to the department of the Postmaster General in pursuance of paragraph 2(4) of the said Schedule 1 or before the appointed day to the Post Office in pursuance of paragraph 18 of the said Schedule 10 shall have effect as if it had been given to the Corporation.

(5) Where any models, documents or information relating to a registered design are used in connection with any such use of the design as is described in sub-paragraph (1), paragraph 16 shall, whether or not it applies to the use of the design, apply to the use of the models, documents or information as if for the reference therein to the registered proprietor there were substituted a reference to the person entitled to the benefit of any provision of a licence, assignment or agreement which is rendered inoperative by sub-paragraph (1) in relation to that use.

(6) Nothing in this paragraph shall be construed as authorising the disclosure to the Corporation or any other person of any model, document or information to the use of which this paragraph applies in contravention of any such licence, assignment or agreement as aforesaid.

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20.—(1) Any dispute as to the exercise by the Corporation or a person authorised by it of powers subsisting by virtue of this Part, or as to terms for use thereunder of a design, or any models, documents or information relating to a design, or as to the right of any person to receive any part of a payment made in pursuance of paragraph 16 or any such agreement as is referred to in paragraph 14 may be referred to the court by either party to the dispute in such manner as is prescribed by the rules for the time being in force for the purposes of paragraph 3(1) of Schedule 1 to the Registered Designs Act 1949.

(2) Sub-paragraphs (2) to (5) of paragraph 3 of the said Schedule shall have effect in relation to proceedings under sub-paragraph (1) and disputes that may be determined thereunder as they do in relation to proceedings and disputes that may be determined under sub-paragraph (1) of the said paragraph 3, but subject to the modifications that—

- (a) in sub-paragraph (2), for references to a government department there shall be substituted references to the Corporation ;
- (b) in sub-paragraph (3), for the references to paragraph 1 of that Schedule and to the opinion of the government department there shall be substituted respectively references to paragraph 16(a) and to the opinion of the Secretary of State stated in a certificate signed by him ; and
- (c) in sub-paragraph (4), for the first reference to a government department there shall be substituted a reference to the Post Office, for the second such reference there shall be substituted a reference to the department of the Postmaster General or the Post Office, and the reference to the services of the Crown shall include a reference to the purposes of the Post Office.

(3) Any proceedings under the said paragraph 3 which are in progress immediately before the appointed day, being proceedings to which the Post Office is a party and which, if they had been commenced on or after that day, would have been commenced under this paragraph, may be continued with the substitution of the Corporation for the Post Office.

21.—(1) Where, in pursuance of an agreement to which this Schedule applies, being an agreement made in relation to a design, communication of the design is made to the Corporation or a person authorised by it to consider the merits of the design, an application for the registration of the design shall not be invalidated by reason only of that communication or of anything done in consequence thereof.

(2) An authorisation to consider the merits of a design given under subsection (3) of section 6 of the Registered Designs Act 1949 which is in force immediately before the appointed day and has effect as if given by the Post Office shall, so far as may be necessary in consequence of the enactment of Part I of this Act, have effect on and after that day as if given by the Corporation and, in relation to that design, the said subsection (3) shall have effect as if references to a government department included references to the Corporation.

22. Expressions to which meanings are assigned by the Registered Designs Act 1949 for the purposes of that Act have those meanings also for the purposes of this Part. SCH. 5
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SCHEDULE 6

ENACTMENTS REPEALED

Section 89.

PART I

ENACTMENTS REPEALED ON THE PASSING OF THIS ACT

Chapter or Number	Short title	Extent of repeal
31 & 32 Vict. c. 110.	The Telegraph Act 1868.	Section 11. In the Schedule, paragraphs 7 to 9, 12 and 13.
41 & 42 Vict. c. 76.	The Telegraph Act 1878.	In section 2, in the definition of "telegraphic line", the words from "and also" to "communication".
55 & 56 Vict. c. 59.	The Telegraph Act 1892.	Section 14. Section 8.
1 & 2 Geo. 5. c. 26.	The Telephone Transfer Act 1911.	The whole Act.
1 & 2 Geo. 5. c. 39.	The Telegraph (Construction) Act 1911.	Section 6(2).
1 & 2 Eliz. 2. c. 36.	The Post Office Act 1953.	Sections 3 and 4.
2 & 3 Eliz. 2. c. iv.	The Dover Harbour Consolidation Act 1954.	Section 120.
9 & 10 Eliz. 2. c. 51.	The Post Office Act 1961.	The whole Act.
1968 c. 13.	The National Loans Act 1968.	In Schedule 5, the entry relating to the Post Office Act 1961.
1969 c. 48.	The Post Office Act 1969.	Section 1. In section 2(6), the words from "but anything" onwards. In section 6, in subsection (1), the words from "so, however" onwards, in subsection (2), paragraph (a) and, in paragraph (b), the words "after the expiration of that period", and subsection (2A). Section 12(10). Section 14(18). Section 17. Section 19. Sections 31 and 32. Section 34. Section 50. Section 68. Section 74(1). Section 81(3). Sections 82 and 83. Section 85. In section 86(1), in the definition of "local authority", the words "county borough".

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Chapter or Number	Short title	Extent of repeal
1969 c. 48— <i>cont.</i>	The Post Office Act 1969 <i>—cont.</i>	Sections 106 and 107. Section 127. In section 129(1), the words “or any order made under section 17 of this Act” and “or any copy of any such order”. Sections 130 and 131. In Schedule 1, paragraphs 2(2), 4(2) and 11(2), (3) and (5). In Schedule 4, in paragraph 2(1), in the Table, the entry relating to section 3 of the 1953 Act and paragraphs 81, 87, 93(1)(i),(ii) and (viii), 94 and 98. Schedule 7. In Schedule 9, paragraphs 3(1), (3), (4) and (6), 4, 5, 8, 15, 16, 18 19, 22 to 26, 31, 32, 36 to 47 and 50.
1977 c. 44.	The Post Office Act 1977.	The whole Act.
<i>Northern Ireland Legislation</i>		
1970 c. 1 (N.I.).	The Harbours Act (Northern Ireland) 1970.	In section 26(4), the words “as from the appointed day within the meaning of the Post Office Act 1969”.
S.I. 1974/2143 (N.I. 6).	The Juries (Northern Ireland) Order 1974.	In Schedule 2, the words “Officers of the Post Office”.

PART II

ENACTMENTS REPEALED ON THE APPOINTED DAY

Chapter or Number	Short title	Extent of repeal
26 & 27 Vict. c. 112.	The Telegraph Act 1863.	In section 24, the words from “and send” onwards. Section 34.
1 & 2 Eliz. 2. c. 36.	The Post Office Act 1953.	In section 60(1), the words “or telephone kiosk or cabinet” (twice) and the words “kiosk or cabinet”. In section 61(1), the words “telegraph post” and the word “post”, in the last place where it occurs. In section 64(1), the words “or ‘postal telegraph office’ or ‘public telephone call office’” and the words “or a place where the public may make telephone calls”. Section 65A. In section 87(1), the definition of “telegraph post”.

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Chapter or Number	Short title	Extent of repeal
1967 c. 62.	The Post Office (Data Processing Service) Act 1967.	The whole Act.
1968 c. 60.	The Theft Act 1968.	In Schedule 2, in Part I, paragraph 8.
1969 c. 48.	The Post Office Act 1969.	Section 9. Section 11(7). Section 13. Sections 23 to 27. In section 29, in subsection (1), paragraphs (b) and (d) and, in subsection (2), the words "or telephone exchange attendant". Sections 35 and 36. Section 42. Section 54. Section 65. Section 69(1) and (2). In section 72(1), the words "or telegraphic". Section 78. Section 86(3). In section 87(1), paragraphs (a)(ii), (b)(ii) and (c)(ii). Section 88(6). In Schedule 4, paragraph 2(16), in paragraph 21(1), the words "telegraph, telephone, wireless or signal station or" and paragraphs 78(1), 79, 86(1) and 93(1)(xxix).
1972 c. 79.	The Post Office (Borrowing Powers) Act 1972.	The whole Act.
1973 c. 36.	The Northern Ireland Constitution Act 1973.	In Schedule 3, in paragraph 13, the words "telecommunications and".
1974 c. 7.	The Local Government Act 1974.	In Schedule 3, paragraph 5(a).
1974 c. 8.	The Statutory Corporations (Financial Provisions) Act 1974.	In Schedule 2, paragraph 4.
1975 c. 55.	The Statutory Corporations (Financial Provisions) Act 1975.	In Schedule 2, the entry relating to the Post Office.
1976 c. 10.	The Post Office (Banking Services) Act 1976.	In Schedule 4, paragraph 5. Section 2. In section 3(2), the words from "and shall" onwards.
<i>Northern Ireland Legislation</i>		
S.I. 1973/2095.	The Local Government (Consequential Provisions) (Northern Ireland) Order 1973.	In Schedule 1, paragraph 7.

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