



# Postal Services Act 2000

## 2000 CHAPTER 26

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplementary powers of the Secretary of State*

#### **101 Directions in interests of national security etc.**

- (1) The Secretary of State may give [<sup>F1</sup>a direction to OFCOM in connection with the exercise of their functions relating to postal services] if he considers it necessary or expedient to do so—
- (a) in the interests of national security or in the interests of encouraging or maintaining the United Kingdom's relations with another country or territory,
  - (b) in order—
    - (i) to discharge, or facilitate the discharge of, an international obligation,
    - (ii) to attain, or facilitate the attainment of, any other object which the Secretary of State considers it necessary or expedient to attain in view of Her Majesty's Government in the United Kingdom being a member of an international organisation or a party to an international 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.
- (2) Directions under subsection (1) may, in particular, require [<sup>F2</sup>OFCOM]—
- (a) to do or not to do a particular thing, or
  - (b) to secure that a particular thing is done or not done.
- (3) The Secretary of State may, if he considers it necessary or expedient to do so for any of the purposes mentioned in subsection (1)(a) or (b), give [<sup>F3</sup>a direction (relating to the provision of postal services) to—
- (a) a postal operator,

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- (b) a description of postal operators, or
- (c) all postal operators.]
- (4) Directions under subsection (3) may, in particular, require a [<sup>F4</sup>postal operator]—
  - (a) to do or not to do a particular thing, or
  - (b) to secure that a particular thing is done or not done.
- (5) Before giving a direction under subsection (1), the Secretary of State shall consult [<sup>F5</sup>OFCOM].
- [<sup>F6</sup>(6) Before giving a direction under subsection (3) to a particular postal operator (as opposed to all postal operators or a description of them), the Secretary of State must consult the operator.]
- (7) The Secretary of State—
  - (a) shall send to [<sup>F7</sup>OFCOM] a copy of any direction given under subsection (3), and
  - (b) shall lay before each House of Parliament a copy of any direction given under this section.
- (8) Subsection (7)(b) does not apply if the Secretary of State considers that the disclosure of the direction would be against the interests of national security or the interests of the United Kingdom's relations with another country or territory or against the commercial interests of any person who has not consented to the disclosure.
- (9) A person shall not disclose, and is not required by any enactment or otherwise to disclose, a direction given or other thing done or omitted to be done by virtue of this section if the Secretary of State notifies him that he considers that—
  - (a) disclosure would be against the interests of national security or the interests of the United Kingdom's relations with another country or territory, or
  - (b) disclosure would be against the commercial interests of any person (other than the person notified) who has not consented to the disclosure.
- (10) A person commits an offence if—
  - (a) without reasonable excuse he contravenes a direction under this section, or
  - (b) he makes a disclosure in contravention of subsection (9).
- (11) A person who commits 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 or to imprisonment for a term not exceeding two years or to both.

#### Textual Amendments

- F1** Words in s. 101(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 32\(2\)](#); S.I. 2011/2329, art. 3
- F2** Word in s. 101(2) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 32\(3\)](#); S.I. 2011/2329, art. 3
- F3** Words in s. 101(3) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 32\(4\)](#); S.I. 2011/2329, art. 3
- F4** Words in s. 101(4) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 32\(5\)](#); S.I. 2011/2329, art. 3

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- F5** Word in s. 101(5) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 32(6)**; S.I. 2011/2329, art. 3
- F6** S. 101(6) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 32(7)**; S.I. 2011/2329, art. 3
- F7** Word in s. 101(7)(a) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 32(8)**; S.I. 2011/2329, art. 3

**F8 102 Power to ensure compliance with the Postal Services Directive.**

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**Textual Amendments**

- F8** S. 102 omitted (31.12.2020) by virtue of The Postal and Parcel Services (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1417), regs. 1, **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**103 Subsidy for public post offices.**

- (1) The Secretary of State may by order make a scheme for the making of payments for the purpose of—
  - (a) assisting in the provision of public post offices or public post offices of a particular description, or
  - (b) assisting in the provision of services to be provided from public post offices or public post offices of a particular description.
- (2) A scheme under this section which provides for the making of payments for a purpose falling within subsection (1)(b) shall ensure that no such payments may be made unless the person deciding whether to make the payments considers that the provision of the services concerned from public post offices or public post offices of a particular description would assist in the provision of public post offices or (as the case may be) public post offices of that description.
- (3) Payments under a scheme under this section shall be made by the Secretary of State or by another person out of money provided by the Secretary of State.
- (4) A scheme under this section shall specify—
  - (a) the descriptions of payments which may be made under the scheme,
  - (b) the descriptions of persons to whom such payments may be made,
  - (c) the person by whom such payments may be made,
  - (d) criteria to which that person is to have regard in deciding whether to make such payments, and
  - (e) the amounts of such payments or the basis on which such amounts are to be calculated.
- (5) A scheme under this section may, in particular, provide for—
  - (a) payments under the scheme to be made subject to conditions specified in or determined under the scheme (including conditions as to repayment),
  - (b) the delegation of functions exercisable by virtue of the scheme (including the delegation of any discretion conferred by virtue of the scheme),
  - (c) the modification of the functions of a body established by an enactment, or the functions of the holder of an office created by an enactment, for the purpose

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- of enabling the person concerned to exercise any functions conferred on that person by virtue of the scheme,
- (d) the payment by the Secretary of State of fees to any person in respect of functions exercised by that person by virtue of the scheme.
- (6) The power to make a scheme under this section shall not be exercised without the consent of the Treasury.

**Changes to legislation:**

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