STATUTORY INSTRUMENTS

1967 No. 1367

POST OFFICE

The Postal Services (Guernsey) Order 1969

Made - - - -	*24th September* 1969
Coming into Operation	*1st October* 1969

At the Court at Balmoral, the 24th day of September 1969

Present,

The Queen's Most Excellent Majesty in Council

Whereas section 2(6) of the Post Office Act 1969(a) provides that anything done before the appointed day for the purposes of that Act by the Postmaster General in exercise of any power conferred on the Minister of Posts and Telecommunications by, or by virtue of, the following provisions of that Act shall be as valid and effective for all purposes as if it had been done by the last-named Minister:

And whereas by the Post Office Act 1969 (Appointed Day) Order 1969(b) the appointed day for the purposes of that Act is 1st October 1969:

And whereas an agreement has been concluded between the Postmaster General and the States of Guernsey providing for the surrender by the Post Office, as regards the Bailiwick of Guernsey, of the privilege conferred on the Post Office by section 3 of the Post Office Act 1953(c) and the administration in that Bailiwick of postal services by, or under the authority of, the States instead of by the Post Office:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 87(1) of the Post Office Act 1969, as read with section 88(5) thereof, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Postal Services (Guernsey) Order 1969 and shall come into operation on 1st October 1969.

2. This Order applies only to the Bailiwick of Guernsey.

3. The Interpretation Act 1889(d) shall apply for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament, and section 38 of that Act (effect of repeals) shall apply as if this Order were an Act of Parliament.

4. The agreement mentioned in the preamble to this Order and set out in Schedule 1 thereto shall have the force of law.

5. Sections 12, 13, 20, 23, 30, 64, 73, 79 and 84 of the Post Office Act 1969 are hereby repealed.

(a) 1969 c. 48.
(b) S.I. 1969/1066 (1969 II, p. 3123).
(c) 1953 c. 36.
(d) 1889 c. 63.

6. The provisions of the Post Office Act 1969 specified in Schedule 2 to this Order shall be amended in the manner specified in relation thereto in that Schedule.

7. The provisions of the Post Office Act 1953, except section 65A, as inserted by paragraph 8 of Schedule 2 to the Theft Act 1968(**a**) (fraudulent use of public telephone or telex system), and those specified in Schedule 3 to this Order, are hereby repealed and the provisions so specified shall be amended in the manner specified in relation thereto in that Schedule.

SCHEDULE 1 Article 4

AGREEMENT BETWEEN THE POSTMASTER GENERAL AND THE STATES OF GUERNSEY

This agreement made the fifteenth day of August one thousand nine hundred and sixty nine between the Right Honourable John Thomson Stonehouse M.P. Her Majesty's Postmaster General (hereinafter called "the Postmaster General") in exercise of the powers conferred on the Minister of Posts and Telecommunications by the Post Office Act 1969 and on behalf of Her Majesty of the one part and the States of Guernsey acting by and through Peppino Santangelo Esquire President of the States Post Office Board of the other part.

Whereas subsection (1) of section 87 of the Post Office Act 1969 makes provision in the event of the conclusion of an agreement between the Minister of Posts and Telecommunications and the States of Guernsey for the surrender by the Post Office as regards the Bailiwick of Guernsey of the privilege conferred on the Post Office by section 3 of the Post Office Act 1953 and for the administration in that Bailiwick of postal services by or under the authority of the States instead of by the Post Office.

And whereas subsection (6) of section 2 of the Post Office Act 1969 provides that any thing done before the appointed day under that Act by the Postmaster General in exercise of any powers conferred on the Minister of Posts and Telecommunications by the following provisions of that Act shall be as valid and effective for all purposes as if it had been done by the said Minister and that any thing done before the said day to the Postmaster General by any other person in exercise of a power so conferred on him shall be as valid and effective as if it had been done to the Minister.

Now it is hereby agreed as follows:

1. This Agreement takes effect on the first day of October one thousand nine hundred and sixty nine.

2. The Post Office surrenders as regards the Bailiwick of Guernsey the exclusive privilege conferred on the Post Office by section 3 of the Post Office Act 1953 and the postal services shall be administered in the Bailiwick by or under the authority of the States of Guernsey instead of by the Post Office.

3. If, in the opinion of the Minister of Posts and Telecommunications, it is requisite or expedient in the interests of national security or relations with the government of a country or territory outside the British Islands or, in relation to the Bailiwick of Guernsey, in order to discharge or facilitate the discharge of an obligation of Her Majesty's Government in the United Kingdom by virtue of its being a member of an international organisation or a party to an international agreement, to attain, or facilitate the attainment of, any other object in view of that Government being a member or party as aforesaid, or to enable that Government to become a member or party as aforesaid, that any thing should be done or not done, the States of Guernsey will do what is necessary to secure that it is done or not, as the case may be.

(**a**) 1968 c. 60.

In witness whereof the Postmaster General has hereunto set his hand and seal and the said Peppino Santangelo has signed these presents for and on behalf of the States of Guernsey the day and year first above written.

Signed sealed and delivered by the said John Thomson Stonehouse in the presence of:— John Stonehouse

J. M. Goose
Civil Servant
G.P.O. Headquarters
St. Martins-le-Grand
London E.C.1.

Signed by the said Peppino Santangelo in the presence of:— Peppino Santangelo

W. Sexton
States Civil Servant
States Office
Guernsey.

Article 6

SCHEDULE 2

AMENDMENTS TO THE POST OFFICE ACT 1969 IN ITS APPLICATION TO GUERNSEY

1. Section 9 (general duty of the Post Office) shall apply only in relation to the power to provide and the provision of telecommunication services.

2. Section 14 (the Post Office Users' Councils) shall apply only in relation to telecommunication services.

3. Section 15 (duty of the Post Office to consult the Post Office Users' National Council about certain proposals) shall apply only in relation to proposals relating to telecommunication services.

4. In section 28 (schemes for determining charges and other terms and conditions applicable to services) in subsection (1) for the words "any of the services" there shall be substituted the words "any of the telecommunication services".

5. In section 29 (exclusion of liability of the Post Office, its officers and servants, in relation to posts and telecommunications) in subsection (1) there shall be omitted the words "Save as provided by the next following section," and in subsection (3) after the words "No person engaged" there shall be inserted the words "by or on behalf of the Post Office".

6. Section 80 (provision of information to persons holding office under the Crown) shall apply in relation to postal services as if the words "provided by the Post Office" were omitted and as if for the words "laid on the Post Office for the like purposes and in the like manner" there were substituted the words "laid on an officer of the States Post Office by Her Majesty's Attorney General for Guernsey for the like purposes".

7. In Schedule 9 (general transitional provisions), in paragraph 3 sub-paragraphs (1)(*c*) and (2), and sub-paragraph (4) so far as it relates thereto, shall be omitted.

Article 7

SCHEDULE 3

AMENDMENTS TO THE POST OFFICE ACT 1953 IN ITS APPLICATION TO GUERNSEY

1. Section 50 (indemnity on account of extending Post Office accommodation) shall extend to the Bailiwick of Guernsey only in relation to any telegraph office or the accommodations of the telegraphic services.

2. Section 60 (prohibition of placing injurious substances in or against post office letter boxes or telephone kiosks) shall extend to the said Bailiwick only in relation to any telephone kiosk or cabinet.

3. Section 61 (prohibition of affixing placards, notices, etc. on post office letter boxes, etc.) shall extend to the said Bailiwick only in relation to any telegraph post or other property used by or on behalf of the Post Office for telecommunication services.

4. Section 64 (prohibition of false notice as to reception of letters, etc.) shall extend to the said Bailiwick only in relation to the words "public telephone call office" or to any words, letters or marks which signify or imply or may reasonably lead the public to believe that any place is a place where the public may make telephone calls.

5. Section 65 (obstruction and molestation of officers of the Post Office) shall extend to the said Bailiwick only in relation to telecommunication services.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order gives the force of law to an agreement between the Postmaster General and the States of Guernsey for the administration of postal services in Guernsey by the States and consequentially repeals or adapts certain provisions of the Post Office Act 1969 and the Post Office Act 1953 in their application to Guernsey.