CHAPTER 27

An Act to authorise the sending by the recorded delivery service of certain documents and other things required or authorised to be sent by registered post; and for purposes connected therewith. [3rd July, 1962]

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:—

Recorded delivery service to be an alternative to registered post.

1.—(1) Any enactment which requires or authorises a document or other thing to be sent by registered post (whether or not it makes any other provision in relation thereto) shall have effect as if it required or, as the case may be, authorised that thing to be sent by registered post or the recorded delivery service; and any enactment which makes any other provision in relation to the sending of a document or other thing by registered post or to a thing so sent shall have effect as if it made the like provision in relation to the sending of that thing by the recorded delivery service or, as the case may be, to a thing sent by that service.

(2) The Schedule to this Act shall have effect for the purpose of making consequential adaptations of the enactments therein mentioned.

(3) Subject to the following subsection the Postmaster General may by order make such amendments of any enactment contained in a local or private Act (being an enactment to which this Act applies) as appear to him to be necessary or expedient in consequence of subsection (1) of this section.

(4) Before making an order under this section, the Postmaster General shall, unless it appears to him to be impracticable to do so, consult with the person who promoted the Bill for the Act to which the order relates, or where it appears to the Postmaster General that some other person has succeeded to the promoter's interest in that Act, that other person.

(5) Any order under this section may be varied or revoked by a subsequent order thereunder, and the power to make any such order shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) This section shall not be construed as authorising the sending by the recorded delivery service of anything which under the Post Office Act, 1953, or any instrument thereunder is not allowed to be sent by that service. 1 & 2 Eliz. 2. c. 36.

Application and interpretation.

2.—(1) Subject to the next following subsection, this Act applies to the following enactments, that is to say,—

(*a*) the provisions of any Act (whether public general, local or private) passed before or in the same Session as this Act;

(*b*) the provisions of any Church Assembly Measure so passed;

6 & 7 Eliz. 2. c. 47.

(*c*) the provisions of any agricultural marketing scheme made under the Agricultural Marketing Act, 1958, before the passing of this Act or having effect as if made under that Act;

and, in the case of a provision which has been applied by or under any other enactment passed, or any instrument made under any enactment passed, before or in the same Session as this Act, applies to that provision as so applied, subject, however, in the case of an instrument made after the passing of this Act to any contrary intention appearing therein; and references in this Act (except this section) to any enactment shall be construed accordingly.

(2) This Act does not apply—

10 & 11 Geo. 6. c. 44.

(*a*) to subsection (2) of section nine of the Crown Proceedings Act, 1947 (which enables proceedings to be brought against the Crown for loss of or damage to registered inland postal packets);

(*b*) to any enactment which, either as originally enacted or as amended by any subsequent enactment, requires or authorises a thing to be sent by the recorded delivery service as an alternative to registered post or makes provision in relation to a thing sent by that service;

(*c*) to the provisions of any Act of the Parliament of Northern Ireland or of any local or private Act which extends only to Northern Ireland.

(3) In this Act—

references to sending a document or other thing include references to serving, executing, giving or delivering it or doing any similar thing;

references to sending any thing by registered post include references to sending it by or in a registered letter or packet, whether the references are expressed in those terms or terms having the like effect and whether or not there is any mention of the post or pre-payment;

references to any thing sent by registered post or the recorded delivery service shall be construed accordingly; and

references to a local Act include references to any Act confirming a provisional order or scheme.

3.—(1) It is hereby declared that (subject to subsection (2) of the foregoing section) this Act extends to Northern Ireland. **Extent.**

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the power of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section. **10 & 11 Geo. 5. c. 67.**

(3) This Act, so far as it amends any enactment which extends to the Isle of Man or to any of the Channel Islands, or which applies in relation to persons of or belonging to any such island, shall extend to that island or, as the case may be, shall apply in like manner in relation to those persons.

4. This Act may be cited as the Recorded Delivery Service Act, 1962. **Short title.**

SCHEDULE

ADAPTATION OF ENACTMENTS

1. Any reference, however worded,—

(*a*) in any enactment the provisions of which apply to, or operate in consequence of the operation of, any enactment amended by section one of this Act; or

(*b*) in any enactment relating to the sending of documents or other things otherwise than by registered post or to documents or other things so sent;

to the registered post or to a registered letter or packet, shall be construed as including a reference to the recorded delivery service or to a letter or packet sent by that service; and any reference, however worded, in any such enactment to a Post Office receipt for a registered letter or to an acknowledgment of or certificate of delivery of a registered letter shall be construed accordingly.

2. The foregoing paragraph shall not be taken to prejudice the generality of subsection (1) of section one of this Act.

3. In the Citation Amendment (Scotland) Act, 1882, the references in the Second Schedule to the post office charge for registration shall include references to the post office charge for sending by the recorded delivery service. **45 & 46 Vict. c. 77.**

4. The power conferred by subsection (1) of section two hundred and twenty of the Supreme Court of Judicature (Consolidation) Act, 1925, to make rules for providing that any document mentioned in that subsection may be produced to a court or tribunal by sending it by registered post shall include power to make rules for providing that any such document may be so produced by sending it by the recorded delivery service. **15 & 16 Geo. 5. c. 49.**

5. The requirement imposed by subsection (4) of section nine of the Agricultural Marketing Act, 1958, that every scheme under that Act shall be so framed as to secure that the notice mentioned in paragraph (*b*) of that subsection shall be served by registered post shall have effect as a requirement that that notice shall be served by registered post or by the recorded delivery service.