



Joint Circular from the
Department of the Environment
2 Marsham Street, London SW1P 3EB

Welsh Office
Cathays Park, Cardiff CF1 3NQ

Sir,

13 March 1973

Post Office Operational Land Regulations

1. We are directed by the Secretary of State for the Environment and the Secretary of State for Wales to enclose for the information of your Council a copy of the Post Office Operational Land Regulations 1973 (SI 1973 No 310) which have been made under section 76 of and paragraph 93(4) of Schedule 4 to the Post Office Act 1969.

2. By virtue of paragraph 93(1) of Schedule 4 to that Act the Post Office are deemed to be statutory undertakers for the purposes of planning legislation and certain other enactments. The definition of "operational land" in section 222 of the Town and Country Planning Act 1971 is not applied to the Post Office but paragraph 93(4) of Schedule 4 to the Post Office Act as read with the Secretary of State for the Environment Order 1970 provides that in the enactments specified "operational land" shall mean, in relation to the authority, land of any such class as may be specified in regulations to be made jointly by the Minister of Posts and Telecommunications and the Secretary of State. The enactments specified can be divided into three general categories: Town and Country Planning: Betterment Levy— the Land Commission Act 1967 which has now been repealed; and Compulsory Purchase of Post Office land. The concept of operational land for planning purposes has changed as a result of the provisions in sections 69-73 of the Town and Country Planning Act 1968 (now consolidated in the 1971 Act)* notes on which were provided in paragraphs 4 to 8 of the Memorandum attached to MHLG Circular 66/68. As regards compulsory purchase of Post Office land, the Pipelines Act 1962 provides certain safeguards for operational land designed to avoid difficulties in relation to the construction of pipelines on, or the compulsory acquisition for the same purpose, of operational land; and the New Towns Act 1965 lays down a special procedure for the acquisition of operational land and makes provision concerning the cost of removing statutory undertakers' apparatus.

3. In the preparation of these regulations only land used for telecommunications and postal services has been regarded as analogous to the operational

* Sections 165, 223, 225, 230, 232, 237, 238 and Schedule 24 paragraphs 54, 60, 61 and 63.

land of other statutory undertakers, and not even all sites for these services have been specified as operational land. The regulations exclude, for example, the sites of public post offices and telephone engineering centres (in the latter case because they are regarded as used primarily for the storage of equipment).

4. In the new Town and Country Planning General Development Order 1973 a general permission for a limited range of minor development carried out by the Post Office, only some of which will be tied to operational land, has been included in Class XVIII of Schedule 1.

We are, Sir, your obedient Servants,

J D HIGHAM, *Assistant Secretary*

I S DEWAR, *Assistant Secretary*

The Clerk of the Authority
Local Authorities
Joint Planning Boards
England and Wales
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STATUTORY INSTRUMENTS

1973 No. 310

POST OFFICE

The Post Office Operational Land Regulations

Made - - - - - *26th February 1973*

Laid before Parliament - - - - - *9th March 1973*

Coming into Operation - - - - - *1st May 1973*

The Minister of Posts & Telecommunications and the Secretary of State for the Environment in the exercise of the powers conferred upon them by Section 76 and paragraph 93(4) of Schedule 4 to the Post Office Act 1969(a) and the Minister of Posts and Telecommunications and the Secretary of State for Scotland in the exercise of the powers conferred upon them by the said Section 76 and paragraph 93(4) of Schedule 4 to the said Act and of every other power enabling them in that behalf, hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Post Office Operational Land Regulations, and shall come into operation on 1st May 1973.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. For the purposes of paragraph 93(4) of Schedule 4 to the Post Office Act 1969 the following classes of land shall, in relation to the Post Office, be specified as “operational land”, namely land of the Post Office used by it or in which an interest is held by it for any of the following purposes:—

(a) a postal sorting office;

(b) a postmen’s delivery office;

(c) the housing or supporting of apparatus used for the operation of the Post Office telecommunication services excluding therefrom the storage of such apparatus where such storage is the only purpose.

Dated 26th February 1973.

John Eden,
Minister of Posts & Telecommunications.

Geoffrey Rippon,
Secretary of State for the Environment.

Gordon Campbell,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations define for the purposes of sub-paragraph 4 of paragraph 93 of Schedule 4 to the Post Office Act 1969 the meaning of “operational land” in the enactments set out in the said sub-paragraph in relation to the Post Office.

(a) 1969 c.48

(b) 1889 c.63.