



Postal Services Act 2011

2011 CHAPTER 5

PART 3

REGULATION OF POSTAL SERVICES

Persons providing services within scope of universal postal service

40 Services within scope of the universal postal service

- (1) A postal service is within the scope of the universal postal service if—
- (a) the service falls within the description of a service set out in the universal postal service order, or
 - (b) the service would fall within the description of a service set out in that order but for the fact that—
 - (i) in the case of a service consisting of the delivery or collection of letters or other postal packets, the delivery or collection is not made on each of the days required by section 31 (see requirements 1 and 2),
 - (ii) the service is not provided throughout the United Kingdom, or
 - (iii) the service is not provided at an affordable price in accordance with a public tariff which is uniform throughout the United Kingdom, or
 - (c) in the opinion of OFCOM the service is of a kind that, from the point of view of users of postal services, could reasonably be said to be interchangeable with a service of a description set out in that order.
- (2) In this section any reference to a service includes a part of a service.

Commencement Information

II S. 40 in force at 1.10.2011 by S.I. 2011/2329, art. 3

*Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Cross
 Heading: Persons providing services within scope of universal postal service. (See end of Document for details)*

41 Notification condition

- (1) OFCOM may impose a notification condition on—
 - (a) every person providing, or intending to provide, a service within the scope of the universal postal service, or
 - (b) every person providing, or intending to provide, a service within the scope of the universal postal service of a specified description.
- (2) A notification condition is a condition requiring the person to give OFCOM—
 - (a) advance notice of the person's intention to provide a letters business on a specified scale (whether or not the person is currently providing a letters business or any other postal service), and
 - (b) where the person is already providing a letters business on a specified scale, advance notice of the person's intention to expand the business by a specified extent.
- (3) A specified scale or extent may be determined by reference to any specified factor.
- (4) The Secretary of State may at any time direct OFCOM to impose a notification condition.
- (5) The direction may (but need not) specify some or all of the provision to be contained in the condition.
- (6) Where a notification condition applies to a person at a time when the person is not providing a postal service—
 - (a) Schedule 7 (enforcement of regulatory conditions) is to have effect as if paragraph 7(2) and (3) were omitted and as if, for the purposes of paragraph 11, the person were providing a postal service, and
 - (b) Schedule 8 (information provisions) is to have effect as if the person were a person falling within paragraph 1(2) and as if, for the purposes of paragraph 8, the person were providing a postal service.
- (7) In this section—

“advance notice” means written notice given at least a specified period of time before the person intends to do as mentioned in subsection (2)(a) or (b),

“a letters business” means a postal service which consists in the delivery of letters, and

“specified” means specified in the notification condition.

Commencement Information

I2 [S. 41](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

42 General universal service conditions

- (1) OFCOM may impose a general universal service condition on—
 - (a) every postal operator providing a service within the scope of the universal postal service, or
 - (b) every postal operator providing a service within the scope of the universal postal service of a description specified in the condition.
- (2) A general universal service condition is—

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Cross
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- (a) a condition containing such obligations as OFCOM consider necessary to impose for, or in connection with, securing the provision of a universal postal service in accordance with the standards set out in the universal postal service order, or
 - (b) a condition containing such obligations as OFCOM consider necessary to impose for the purposes of section 46.
- (3) A general universal service condition may require a person—
- (a) to make contributions in accordance with any scheme established under section 46, and
 - (b) to take such steps as may be required by any such scheme as regards contributions made by users of services within the scope of the universal postal service.
- (4) At any time when there is a universal service provider, nothing in subsection (2)(a) is to be read as authorising the imposition of a condition requiring a person—
- (a) to deliver or collect letters or other postal packets as mentioned in section 31,
 - (b) to provide a service throughout the United Kingdom, or
 - (c) to provide a service at an affordable price in accordance with a public tariff which is uniform throughout the United Kingdom.

Commencement Information

I3 S. 42 in force at 1.10.2011 by S.I. 2011/2329, art. 3

43 Recovery of administrative charges incurred by OFCOM

Schedule 4 makes provision authorising OFCOM to impose charges on postal operators providing services within the scope of the universal postal service to meet costs incurred by OFCOM in carrying out their functions in relation to postal services.

Changes to legislation:

There are currently no known outstanding effects for the Postal Services Act 2011, Cross
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