
Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011,
Cross Heading: Directions and approvals for purposes of conditions. (See end of Document for details)

SCHEDULES

SCHEDULE 6

IMPOSITION, MODIFICATION OR REVOCATION OF REGULATORY CONDITIONS

Directions and approvals for purposes of conditions

- 4 (1) This paragraph applies if—
- (a) a regulatory condition has effect by reference to directions, approvals or consents given by a person (whether OFCOM or another), and
 - (b) the person proposes to give a direction, approval or consent affecting the operation of the condition or to modify or withdraw a direction, approval or consent so as to affect its operation.
- (2) A person may give, modify or withdraw the direction, approval or consent only if satisfied that to do so—
- (a) is objectively justifiable,
 - (b) does not discriminate unduly against particular persons or a particular description of persons,
 - (c) is proportionate to what it is intended to achieve, and
 - (d) is transparent in relation to what it is intended to achieve.
- (3) Before the direction, approval or consent is given, modified or withdrawn, a notification must be published—
- (a) stating that there is a proposal to give, modify or withdraw it,
 - (b) identifying the person whose proposal it is,
 - (c) setting out the direction, approval or consent to which the proposal relates,
 - (d) setting out the effect of the direction, approval or consent or of its proposed modification or withdrawal,
 - (e) giving reasons for the making of the proposal, and
 - (f) specifying the period within which representations may be made about the proposal to the person whose proposal it is.
- (4) That period must be at least one month beginning with the day after the day the notification is published.
- (5) But if the person giving the notification is satisfied that there are exceptional circumstances justifying a shorter period, the period for making representations may be whatever shorter period that person considers reasonable in the circumstances.
- (6) If—
- (a) a person other than OFCOM proposes to give, modify or withdraw a direction, approval or consent, and
 - (b) the condition for the purposes of which it has (or will have) effect provides for notifications of proposals for the purposes of the condition to be given by that person,

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the obligation of publishing the notification of that proposal for the purposes of this paragraph falls on that person.

- (7) Otherwise, the obligation of publishing a notification for the purposes of this paragraph falls on OFCOM.
- (8) The person who is authorised to give the direction, approval or consent may give effect, with or without modifications, to a proposal with respect to which a notification has been given only if the person—
- (a) has considered every representation about the proposal that is made to the person within the period specified in the notification, and
 - (b) has had regard to every international obligation of the United Kingdom (if any) which has been notified to OFCOM for the purposes of this paragraph by the Secretary of State.
- (9) The publication of a notification under this paragraph must be in such manner as appears to the person publishing it to be appropriate for bringing its contents to the attention of such persons as that person considers appropriate.

Commencement Information

II Sch. 6 para. 4 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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