



Postal Services Act 2011

2011 CHAPTER 5

PART 3

REGULATION OF POSTAL SERVICES

The universal postal service

29 Duty to secure provision of universal postal service

- (1) OFCOM must carry out their functions in relation to postal services in a way that they consider will secure the provision of a universal postal service.
- (2) Accordingly, the power of OFCOM to impose access or other regulatory conditions is subject to the duty imposed by subsection (1).
- (3) In performing their duty under subsection (1) OFCOM must have regard to—
 - (a) the need for the provision of a universal postal service to be financially sustainable, and
 - (b) the need for the provision of a universal postal service to be efficient before the end of a reasonable period and for its provision to continue to be efficient at all subsequent times.
- (4) The reference in subsection (3)(a) to the need for the provision of a universal postal service to be financially sustainable includes the need for a reasonable commercial rate of return for any universal service provider on any expenditure incurred by it for the purpose of, or in connection with, the provision by it of a universal postal service.
- (5) In subsection (3)(b) “a reasonable period” means such period beginning with the day on which the provisions of this Part come generally into force as OFCOM consider, in all the circumstances, to be reasonable.
- (6) OFCOM’s duty under subsection (1) includes a duty to carry out their functions in relation to postal services in a way that they consider will secure the provision of sufficient access points to meet the reasonable needs of users of the universal postal service.

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- (7) The Secretary of State may direct OFCOM to take, or refrain from taking, specified action for the purpose of securing that, in the opinion of the Secretary of State, sufficient access points are provided throughout the United Kingdom to meet the interests of the public.
- (8) The duty imposed on OFCOM as a result of subsection (6) is subject to any direction given under this section.
- (9) The action that may be specified in a direction under this section includes the imposition of a regulatory condition consisting of or including provision specified in the direction.
- (10) Before giving a direction under this section, the Secretary of State must consult OFCOM.
- (11) In this Part “access point” means any box, receptacle or other facility provided for the purpose of receiving postal packets, or any class of postal packets, for onwards transmission by post.

30 The universal postal service

- (1) OFCOM must by order (a “universal postal service order”) set out—
 - (a) a description of the services that they consider should be provided in the United Kingdom as a universal postal service, and
 - (b) the standards with which those services are to comply.
- (2) A universal postal service must, as a minimum, include each of the services set out in section 31 (as read with sections 32 and 33).
- (3) Before making or modifying a universal postal service order, OFCOM must carry out an assessment of the extent to which the market for the provision of postal services in the United Kingdom is meeting the reasonable needs of the users of those services.
- (4) Subsection (3) does not apply in relation to the making of the first universal postal service order; but OFCOM must carry out an assessment of the kind mentioned in that subsection before the end of the period of 18 months beginning with the day on which the provisions of this Part come generally into force.
- (5) The Secretary of State may direct OFCOM to secure that the first universal postal service order does not include services of a description specified in the direction.
- (6) OFCOM must notify the European Commission of—
 - (a) the universal postal service order, and
 - (b) any modifications of the order.

31 Minimum requirements

This section sets out the services that must, as a minimum, be included in a universal postal service.

Requirement 1: delivery of letters or other postal packets

- (1) At least one delivery of letters every Monday to Saturday—
 - (a) to the home or premises of every individual or other person in the United Kingdom, or

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- (b) to such identifiable points for the delivery of postal packets as OFCOM may approve.
- (2) At least one delivery of other postal packets every Monday to Friday to the places within paragraph (1)(a) or (b).
- (3) The references in this requirement to the delivery of letters or other postal packets include the delivery of packets posted outside the United Kingdom.

Requirement 2: collection of letters or other postal packets

- (1) At least one collection of letters every Monday to Saturday from every access point in the United Kingdom used for the purpose of receiving postal packets, or any class of them, for onwards transmission in connection with the provision of a universal postal service.
- (2) At least one collection of other postal packets every Monday to Friday from every access point in the United Kingdom used for that purpose.
- (3) The references in this requirement to the onwards transmission of letters or other postal packets include their onwards transmission to places outside the United Kingdom.

Requirement 3: service at affordable prices in accordance with uniform public tariff

- (1) A service of conveying postal packets from one place to another by post (including the incidental services of receiving, collecting, sorting and delivering them) at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom.
- (2) The reference in this requirement to conveying postal packets from one place to another includes conveying them to places outside the United Kingdom.

Requirement 4: registered items service

A registered items service at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom.

Requirement 5: insured items service

An insured items service at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom.

Requirement 6: services to blind or partially sighted

The provision free of charge of such postal services as are specified in the universal postal service order to such descriptions of blind or partially sighted persons as are so specified.

Requirement 7: legislative petitions and addresses

A service of conveying free of charge qualifying legislative petitions and addresses.

32 Section 31: definitions

- (1) “Insured items service” means a service of conveying postal packets from one place to another by post which, in the event of the theft or loss of or damage to the packets, provides for the payment of an amount up to the value of the packets as declared by the sender.
- (2) “Legislative petitions and addresses” means—

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- (a) petitions and addresses to Her Majesty meeting the weight and covers requirements which are sent by post to a member of a legislative body,
 - (b) petitions meeting those requirements which are addressed to a legislative body and are sent by post to a member of such a body or to the Clerk of the Scottish Parliament, or
 - (c) petitions and addresses forwarded to Her Majesty or, in Northern Ireland, to the Secretary of State.
- (3) For the purposes of subsection (2)—
- (a) a “legislative body” means either House of Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly, and
 - (b) petitions or addresses meet the “weight and covers requirements” if they do not exceed 1 kilogram in weight and are sent without covers or in covers open at the sides.
- (4) “Registered items service” means a service of conveying postal packets from one place to another by post which provides—
- (a) for the registration of the packets in connection with their conveyance by post, and
 - (b) for the payment of an amount determined by the person providing the service in the event of the theft or loss of or damage to the packets.
- (5) In this section references to conveying postal packets from one place to another include—
- (a) the incidental services of receiving, collecting, sorting and delivering them, and
 - (b) conveying them to places outside the United Kingdom.

33 Exceptions to minimum requirements

- (1) Nothing in section 31 requires the doing of anything in relation to a letter or other postal packet—
- (a) whose weight exceeds 20 kilograms, or
 - (b) whose dimensions fall outside the minimum and maximum dimensions laid down in the Convention and the Agreement concerning Postal Parcels adopted by the Universal Postal Union.
- (2) The requirements in section 31 in respect of the delivery or collection of letters or other postal packets (requirements 1 and 2)—
- (a) do not need to be met on any day which is (in the part of the United Kingdom concerned) a public holiday, and
 - (b) do not need to be met in such geographical conditions or other circumstances as OFCOM consider to be exceptional.
- (3) Nothing in section 31 is to be read—
- (a) as requiring a service to continue without interruption, suspension or restriction in an emergency, or
 - (b) as preventing individual agreements as to prices from being concluded with customers.

34 Review of minimum requirements

- (1) OFCOM may from time to time review the extent to which the provision made by section 31 reflects the reasonable needs of the users of postal services provided in the United Kingdom.
- (2) A review under subsection (1) may, in particular, consider whether the requirements imposed by that section could be altered so as better to reflect those needs.
- (3) OFCOM must send a copy of each review under subsection (1) to the Secretary of State.
- (4) The Secretary of State may at any time direct OFCOM to carry out a review under subsection (1).
- (5) Where OFCOM have carried out a review under subsection (1), the Secretary of State may by order amend section 31.
- (6) The provision that may be made by an order under subsection (5) does not include the making of different provision in relation to different places in the United Kingdom.
- (7) An order under subsection (5)—
 - (a) is subject to affirmative resolution procedure, and
 - (b) may include such amendments of this Part as the Secretary of State considers necessary or expedient in consequence of any provision made by the order.