



# Postal Services Act 2011

## 2011 CHAPTER 5

### PART 4

#### SPECIAL ADMINISTRATION REGIME

##### *Modifications of regulatory conditions etc*

#### **82 Regulatory powers exercisable during postal administration**

- (1) This section applies if a postal administration order has been made.
- (2) The Secretary of State may by order modify the universal postal service order made by OFCOM under section 30.

An order under this subsection is subject to negative resolution procedure.

- (3) Before modifying that order, the Secretary of State must consult—
  - (a) OFCOM, and
  - (b) such other persons as the Secretary of State considers appropriate.

<sup>F1</sup>(4) .....

- (5) The Secretary of State may by order amend section 31.
- (6) An order under subsection (5)—
  - (a) is subject to approval after being made, and
  - (b) may include such amendments of Part 3 as the Secretary of State considers necessary or expedient in consequence of any provision made by the order.
- (7) The Secretary of State may modify or revoke any regulatory condition if the Secretary of State considers it appropriate to do so for, or in connection with, achieving the objective of the postal administration.
- (8) The Secretary of State's power to make modifications includes power to make incidental, supplementary, consequential, transitional or transitory modifications.

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*Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Cross Heading: Modifications of regulatory conditions etc. (See end of Document for details)*

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- (9) Before modifying or revoking a regulatory condition, the Secretary of State must consult—
- (a) OFCOM,
  - (b) the person whose condition is being modified or revoked, and
  - (c) such other persons as the Secretary of State considers appropriate.
- (10) The Secretary of State must publish every modification or revocation of a regulatory condition made under this section.
- (11) The publication must be in such manner as the Secretary of State considers appropriate.
- (12) The provisions of Part 3 (including section 29) other than—
- (a) sections 57 to 60 (appeals), and
  - (b) paragraph 3 of Schedule 6 (procedure for modifying or revoking regulatory conditions),
- apply in relation to the modification or revocation by the Secretary of State of regulatory conditions as they apply in relation to the modification or revocation by OFCOM of regulatory conditions.
- (13) The power conferred by subsection (2) or (5) may not be exercised at any time after the postal administration order has ceased to be in force.
- (14) Any duty to consult under this section may be met by consultation before the making of the postal administration order.

#### Textual Amendments

- F1** S. 82(4) omitted (31.1.2020) by virtue of [The Postal and Parcel Services \(Amendment etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1417\)](#), regs. 1, **3(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- II** S. 82 in force at 1.10.2011 by [S.I. 2011/2329](#), **art. 3**

### 83 Regulatory conditions to secure funding of postal administration order

- (1) The modifications that may be made under section 82 include, in particular, modifications of any price control provision contained in a regulatory condition for the purpose of raising such amounts as may be determined by the Secretary of State.
- (2) The modified condition may require the person on whom it is imposed to pay those amounts to such persons as may be so determined for the purpose of—
- (a) their applying those amounts in making good any shortfall in the property available for meeting the expenses of the postal administration, or
  - (b) enabling those persons to secure that those amounts are so applied.
- (3) The modified condition may require the person on whom it is imposed to apply amounts paid to it as result of this section in making good any shortfall in the property available for meeting the expenses of the postal administration.
- (4) For the purposes of this section “price control provision” means—
- (a) provision as to the tariffs that are to be used as mentioned in section 36(4) (designated USP condition: tariffs), or

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- (b) provision as to prices that may be charged for the giving of access under an access condition (within the meaning of Part 3).
- (5) For the purposes of this section—
- (a) there is a shortfall in the property available for meeting the costs of a postal administration if the property available (apart from this section) for meeting relevant debts is insufficient for meeting them, and
  - (b) amounts are applied in making good that shortfall if they are paid in or towards discharging so much of a relevant debt as cannot be met out of the property otherwise available for meeting relevant debts.
- (6) In this section “relevant debt”, in relation to a case in which a company is or has been subject to a postal administration order, means an obligation—
- (a) to make payments in respect of the expenses or remuneration of any person as the postal administrator of the company,
  - (b) to make a payment in discharge of a debt or other liability of the company arising out of a contract entered into at a time when the order was in force by the person who at that time was the postal administrator of the company,
  - (c) to repay the whole or a part of a grant made to the company under section 79,
  - (d) to repay a loan made to the company under section 79 or to pay interest on such a loan,
  - (e) to make a payment under section 80(5), or
  - (f) to make a payment under section 81(5).

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**Commencement Information**

**I2** [S. 83](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

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