



# Postal Services Act 2000

## 2000 CHAPTER 26

### PART II

#### LICENCES FOR POSTAL SERVICES

##### *Restriction on provision of postal services*

#### **6 Restriction on provision of postal services.**

- (1) Subject to section 7, no person shall convey a letter from one place to another unless—
  - (a) he holds a licence authorising him to do so, or
  - (b) he is acting as an employee or agent of a person who is authorised by a licence to do so.
- (2) A person who contravenes subsection (1) commits an offence and shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine.
- (3) No proceedings shall be instituted in England and Wales or Northern Ireland in respect of an offence under subsection (2) except by or on behalf of the Commission or the Secretary of State.
- (4) Without prejudice to subsection (2), compliance with subsection (1) shall be enforceable by civil proceedings by or on behalf of the Commission or the Secretary of State for an injunction or interdict or for any other appropriate relief or remedy.
- (5) Without prejudice to subsections (2) and (4)—
  - (a) the obligation to comply with subsection (1) shall be a duty owed to any person who may be affected by a contravention of subsection (1), and
  - (b) where a duty is owed by virtue of paragraph (a) to any person, any breach of that duty which causes that person to sustain loss or damage shall be actionable at the suit or instance of that person.

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- (6) Any reference in this section [<sup>F1</sup>or section 7(1) or (1A)] to conveying a letter from one place to another, or the conveyance of a letter, includes a reference to performing, or the performance of, any of the incidental services of receiving, collecting and delivering a letter.
- (7) For the purposes of this Part references to a licence are to a licence under this Part and references to a licence holder shall be construed accordingly.

#### Textual Amendments

**F1** Words in s. 6(6) substituted (1.1.2003) by S.I. 2002/3050, reg. 2

### 7 Exceptions from section 6.

- (1) Section 6(1) is not contravened by the conveyance of a letter—
- (a) which is conveyed in consideration of a payment of not less than £1 made by or on behalf of the person for whom it is conveyed, or
  - (b) which weighs not less than 350 grams.

[<sup>F2</sup>(1A) Section 6(1) is not contravened by the conveyance of a letter in circumstances where the service of conveying the letter is outside the scope of the universal postal service in the United Kingdom.]

- (2) Section 6(1) is not contravened by—
- (a) the conveyance and delivery of a letter personally by the sender,
  - (b) the conveyance and delivery of a letter by a personal friend of the sender,
  - (c) the conveyance and delivery of a single letter by a messenger sent for the purpose by either correspondent,
  - (d) the conveyance of an overseas letter out of the United Kingdom [<sup>F3</sup>, and the collection of letters for that purpose],
  - (e) the conveyance and delivery of any documents in respect of which a method of service other than by post is required or authorised by law,
  - (f) the conveyance of letters from merchants who are the owners of a merchant ship or commercial aircraft, or of goods carried in such a ship or aircraft, by means of that ship or aircraft, and the delivery of the letters to the addressees by any person employed for the purpose by those merchants, provided that no payment or reward, profit or advantage of any kind is given or received for the conveyance or delivery of those letters,
  - (g) the conveyance and delivery of letters by any person which are letters concerning, and for delivery with, goods carried by that person, provided that no payment or reward, profit or advantage of any kind is given or received for the conveyance or delivery of those letters,
  - (h) the conveyance and delivery to a licence holder of pre-paid letters for conveyance and delivery by that person to the addressees, and the collection of such letters for that purpose,
  - (i) the conveyance and delivery of letters by a person who has a business interest in those letters, and the collection of letters for that purpose,
    - [<sup>F4</sup>(ia) the conveyance and delivery of letters, and the collection of letters for that purpose, by a person who is not a licence holder, who provides those services under a contract for services where the other party to

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- the contract is the sender and who does not provide those services to any person other than the sender]
- (j) the conveyance and delivery of banking instruments from one bank to another or from a bank to a government department, and the collection of such instruments for that purpose,
  - (k) the collection, conveyance and delivery of coupons or other entry forms issued by authorised promoters,
  - (l) the collection, conveyance and delivery of Christmas cards by a charity, provided that the activity concerned takes place during the period starting with 25th November in any year and ending with 1st January in the following year,
  - (m) the conveyance and delivery of letters from one government department to another or within the same government department, and the collection of letters for that purpose,
  - (n) the conveyance of letters of members of a document exchange from a departure facility for that exchange to an arrival facility for another document exchange by persons who are not members of either exchange, and the collection and delivery by such persons for that purpose of letters delivered to the departure facility concerned,
  - (o) the conveyance and delivery of brokers' research, during the relevant period and by any person who has printed it, from the business premises where it is printed to the premises of any person who is to convey it onwards,
  - (p) the conveyance and delivery by any person of brokers' research within the period of 24 hours starting with its delivery to his premises or its collection by him during the relevant period from a collection point, and any such collection.
- (3) Nothing in paragraphs [F5(a) to (c) and (e) to (g)] of subsection (2) shall authorise any person to make a collection of letters for the purpose of their being conveyed in any manner authorised by those paragraphs.
- (4) For the purposes of paragraph (i) of subsection (2) a person has a business interest in a letter if, and only if—
- (a) he is an employee of one of the correspondents or of a member of the same group as one of the correspondents and the letter relates to the business affairs of that correspondent, or
  - (b) he and one of the correspondents are employees of the same person or of different members of the same group and the letter relates to the business affairs of that person or (as the case may be) the employer of that correspondent.
- (5) In this section—
- “arrival facility”, in relation to a document exchange, means any box, receptacle or other facility associated with that exchange which is provided for the receipt of letters from members of another document exchange which are conveyed to the facility from a departure facility for that other exchange for collection by members of the first exchange,
- [F6 “ authorised promoter ” means—
- (a) a registered pool promoter, or
  - (b) a person who is or has at any time been an associate (within the meaning of section 184 of the M1 Consumer Credit Act 1974) of such a promoter, ]

[F6 “ authorised promoter ” means—

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- (a) the holder of a pool betting operating licence under Part 5 of the Gambling Act 2005,
- (b) a person authorised under section 93(3) of that Act to do anything on behalf of the holder of a pool betting operating licence, and
- (c) an associate, within the meaning of section 184 of the Consumer Credit Act 1974 (c. 39), of a person within paragraph (a) or (b),]

[<sup>F7</sup>“bank” means—

- (a) the Bank of England,
- (b) a deposit taker,
- (c) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to the Financial Services and Markets Act 2000 which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits, or
- (d) the central bank of an EEA State other than the United Kingdom. ]

“banking instrument” means—

- (a) any cheque or other instrument to which section 4 of the <sup>M2</sup>Cheques Act 1957 applies,
- (b) any document issued by a public officer which is intended to enable a person to obtain payment from a government department of the sum mentioned in the document,
- (c) any bill of exchange not falling within paragraph (a) or (b) or any promissory note,
- (d) any postal order or money order,
- (e) any credit transfer, credit advice or debit advice, or
- (f) any list of items, or any copy of an item, falling within paragraphs (a) to (e),

“brokers’ research” means any printed documentation prepared by persons licensed or authorised to trade on any regulated stock, share, futures, foreign exchange or commodities market which contains research, analysis and information relating to items traded on that market and which has not been prepared for or on the instructions of any particular person to whom it is addressed or delivered,

“charity” means a body, or the trustees of a trust, established for charitable purposes only,

“collection point” means any business premises where brokers’ research is printed or an international airport,

“departure facility”, in relation to a document exchange, means any box, receptacle or other facility associated with that exchange which is provided for the collection of letters of members of that exchange which are delivered to the facility by those members for conveyance to an arrival facility for another document exchange for collection by members of that other exchange,

[<sup>F8</sup>“deposit taker” means a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits, but does not include—

- (a) a credit union, within the meaning of the Credit Unions Act 1979 <sup>M3</sup> or the Credit Unions (Northern Ireland) Order 1985 <sup>M4</sup> ,
- (b) a specially authorised society within the meaning of section 7(1)(f) of the Friendly Societies Act 1974 <sup>M5</sup> ,

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(c) a person who has permission to accept deposits only for the purpose of carrying on another regulated activity in accordance with that permission.]

“document exchange” means a system involving at least three members for the exchange of letters between members of the system,

“EEA State” means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993,

“government department” includes any Minister of the Crown, any part of the Scottish Administration, the National Assembly for Wales, the Northern Ireland Assembly, any Northern Ireland Minister or Northern Ireland junior Minister and any Northern Ireland department,

“group” means a body corporate and all of its wholly owned subsidiaries taken together,

“overseas letter” means a letter which is directed to a specific person or address outside the United Kingdom,

“pre-paid letter” includes any letter which, in pursuance of arrangements made with a licence holder, does not require to be pre-paid,

“registered pool promoter” has the meaning given by section 4(2) of the <sup>M6</sup>Betting, Gaming and Lotteries Act 1963, and

“relevant period” means—

- (a) in the case of a collection from an international airport, the period starting with 6.00 pm on any day other than Friday or Saturday and ending with 10.00 am on the next day and the period starting with 6.00 pm on any Friday or Saturday and ending with noon on the next day, and
- (b) in any other case, the period starting with 6.00 pm on any day and ending with 6.00 am on the next day.

[<sup>F9</sup>(6) In subsection (5), paragraph (c) of the definition of “bank” and the definition of “deposit taker” must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

#### Textual Amendments

- F2** S. 7(1A) inserted (1.1.2003) by [S.I. 2002/3050, reg. 3\(2\)](#)
- F3** Words in s. 7(2)(d) inserted (5.2.2002) by [S.I. 2002/200, art. 2\(2\)](#)
- F4** S. 7(2)(ia) inserted (1.1.2003) by [S.I. 2002/3050, reg. 3\(3\)](#)
- F5** Words in s. 7(3) substituted (5.2.2002) by [S.I. 2002/200, art. 2\(3\)](#)
- F6** Words in s. 7 substituted (E.W.S.) (1.9.2007) by [Gambling Act 2005 \(c. 19\), s. 358\(1\), Sch. 16 para. 15](#) (with [ss. 352, 354, Sch. 16 para. 21](#)); [S.I. 2006/3272, art. 2\(4\)\(5\), Sch. 3B](#) (with [Sch. 4](#)) (as amended by [S.I. 2007/1157, arts. 7-12](#) and [S.I. 2007/2169, arts. 3, 6-11, Sch.](#))
- F7** Definition of “bank” in s. 7(5) substituted (1.12.2001) by [S.I. 2001/3649, arts. 1, 362\(2\)](#)
- F8** Definition of “deposit taker” in s. 7(5) inserted (1.12.2001) by [S.I. 2001/3649, arts. 1, 362\(3\)](#)
- F9** S. 7(6) inserted (1.12.2001) by [S.I. 2001/3649, arts. 1, 362\(4\)](#)

#### Marginal Citations

- M1** [1974 c. 39.](#)
- M2** [1957 c. 36.](#)

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| <b>M3</b> 1979 c. 34                 |
| <b>M4</b> S.I. 1985 /1205 (N.I. 12). |
| <b>M5</b> 1974 c. 46.                |
| <b>M6</b> 1963 c. 2.                 |

[<sup>F10</sup>7A

Scope of the universal postal service: meaning

- (1) For the purposes of section 7(1A), a postal service is outside the scope of the universal postal service in the United Kingdom if it is not, or is not substantially similar to, a postal service within subsection (2).
- (2) A postal service is within this subsection if it is a postal service—
  - (a) which a postal operator is required to provide in the discharge of any duty to provide a universal postal service, or part of such a service,—
    - (i) imposed under section 3(2) as a condition of the operator’s licence under Part II, or
    - (ii) included in his licence as a condition by virtue of section 13(1), or
  - (b) which a postal operator is required to provide in the discharge of any duty to provide a postal service imposed on him by an order under section 102(2).
- (3) For the purposes of subsection (1), a postal service is not to be regarded as being not substantially similar to a postal service within subsection (2) merely because—
  - (a) the service in question does not comply with section 4(1),
  - (b) where the person providing the service provides it only to persons within a class specified by him for the purposes of its provision, it is not available to all persons within that class, or
  - (c) where the service has the characteristic of three day delivery, it also has one or more of the characteristics mentioned in subsection (4).
- (4) Those characteristics are that—
  - (a) the service provides for the collection of a postal packet at a place specified by the sender of the packet,
  - (b) the service provides for the delivery of a postal packet at or by a time specified by the sender of the packet,
  - (c) the service provides for the delivery of a postal packet to be recorded, and
  - (d) the service provides for postage to be chargeable in a form or manner, or to be paid at a time or in a manner, different from that provided for by a postal service within subsection (2).
- (5) For the purposes of subsection (3)(c), a postal service has the characteristic of three day delivery if, in all or the majority of cases in which a postal packet is sent by it, it seeks to deliver the packet before the end of the period of three working days beginning with the day after the day on which it is received or collected.]

**Textual Amendments**

**F10** S. 7A inserted (1.1.2003) by [S.I. 2002/3050, reg. 4](#)

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**8 Power to modify section 7 by order.**

- (1) The Secretary of State may by order modify section 7.
- (2) No such order shall be made except on the recommendation of the Commission.
- (3) Before making such a recommendation, the Commission shall consult—
  - (a) the Council,
  - (b) licence holders, and
  - (c) such other persons as the Commission considers appropriate.
- (4) Where the Commission makes such a recommendation but the Secretary of State decides not to make an order under this section, the Secretary of State shall lay before each House of Parliament a report containing the reasons for his decision.

**9 General power to suspend the restriction.**

- (1) The Secretary of State may by order suspend the operation of section 6.
- (2) No such order shall be made except on the recommendation of the Commission.
- (3) Where the Commission makes a recommendation to make an order under this section but the Secretary of State decides not to make such an order, the Secretary of State shall lay before each House of Parliament a report containing the reasons for his decision.

**10 Emergency power to suspend the restriction.**

The Secretary of State may, if he considers it expedient in the national interest, by order suspend the operation of section 6—

- (a) for such period not exceeding six months as may be specified in the order, and
- (b) to such extent as may be so specified.

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