

POSTAL SERVICES ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Regulation of postal services

Postal services

Section 27: Postal services, postal packets and postal operators

136. This section defines terms which are used in Part 3 of the Act: “postal services”, “postal packet” and “postal operator”.
137. Subsection (4) excludes from the definition of “postal operator” a person who only receives packets on behalf of another (either as agent or otherwise), and subsection (5) confers a power on the Secretary of State to prescribe by regulations circumstances in which that exclusion does not apply.
138. Subsection (6) provides that the regulations made by the Secretary of State under subsection (5) are subject to affirmative resolution procedure.

Section 28: General authorisation to provide postal services

139. This section enables the shift from a licensing regime as established under the Postal Services Act 2000 to a regulatory framework based on general authorisation.
140. Subsection (1) provides that persons may provide postal services without the need for a licence or authorisation, but that OFCOM may impose regulatory conditions on postal operators who do provide postal services.
141. Subsection (2) lists the conditions that can be imposed: designated USP conditions (sections 36 and 37), USP access conditions (section 38 and Schedule 3), USP accounting conditions (section 39), notification condition (section 41), general universal service conditions (section 42), essential conditions (section 49), general access conditions (section 50 and Schedule 3) and consumer protection conditions (sections 51 and 52).