

*Status: Point in time view as at 01/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Paragraph 16. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### FURTHER PROVISION ABOUT ACCESS CONDITIONS

#### PART 2

#### RESOLUTION OF ACCESS DISPUTES BY OFCOM

##### *Resolution of disputes: OFCOM's powers*

- 16 (1) The powers that may be exercised by OFCOM, on the making of a determination under paragraph 15, are those listed in sub-paragraph (2).
- (2) The powers are—
- (a) to make a declaration setting out the rights and obligations of parties to the dispute,
  - (b) to give a direction fixing the terms or conditions of transactions between parties to the dispute,
  - (c) to give a direction imposing an obligation, enforceable by the parties, to enter into a transaction between themselves on the terms and conditions fixed by OFCOM,
  - (d) to give a direction, enforceable by the party to whom the sums are to be paid, requiring the payment of sums by way of adjustment of an underpayment or overpayment (but see sub-paragraph (3)),
  - (e) to require a party to the dispute to pay all or part of another party's costs and expenses incurred in connection with the dispute,
  - (f) to require a party to pay all or part of OFCOM's costs of dealing with the dispute (but see sub-paragraph (4)).
- (3) A direction under sub-paragraph (2)(d) may be given only for the purpose of giving effect to a determination by OFCOM of the proper amount of a charge in respect of which amounts have been paid by one party to the dispute to another.
- (4) A direction under sub-paragraph (2)(f) may be given to a party only if—
- (a) the party referred the dispute to OFCOM, and
  - (b) OFCOM consider that the reference was frivolous or vexatious or that the party has otherwise abused the right (conferred by paragraph 13) to refer disputes.

#### **Commencement Information**

**II** Sch. 3 para. 16 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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