

*Status: Point in time view as at 01/10/2011.*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 7

#### ENFORCEMENT OF REGULATORY REQUIREMENTS

##### *Civil liability for breach of regulatory requirements etc.*

- 16 (1) The duty of a person to comply with—
- (a) regulatory requirements,
  - (b) requirements imposed by an enforcement notification under paragraph 5, or
  - (c) a condition of a direction under paragraph 8 or 11,
- is a duty owed to every person who may be affected by a contravention of the requirement or condition.
- (2) Sub-paragraphs (3) and (4) apply where a duty is owed by virtue of sub-paragraph (1) to a person.
- (3) A breach of the duty that causes that person to sustain loss or damage is actionable at the suit or instance of that person.
- (4) An act which—
- (a) by inducing a breach of the duty or interfering with its performance, causes that person to sustain loss or damage, and
  - (b) is done wholly or partly for achieving that result,
- is actionable at the suit or instance of that person.
- (5) In proceedings brought against a person as a result of sub-paragraph (3) it is a defence for that person to show that the person took—
- (a) all reasonable steps, and
  - (b) exercised all due diligence,
- to avoid contravening the requirement or condition in question.
- (6) The consent of OFCOM is required for the bringing of proceedings as a result of sub-paragraph (1)(a).
- (7) If OFCOM give their consent subject to conditions relating to the conduct of the proceedings, the proceedings are not to be carried on except in compliance with those conditions.

#### **Commencement Information**

**II** Sch. 7 para. 16 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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