

SCHEDULES

SCHEDULE 8

INFORMATION PROVISIONS

PART 1

REQUIREMENTS TO PROVIDE INFORMATION TO OFCOM

Information required for purposes of OFCOM's functions in relation to postal services

- 1 (1) OFCOM may require a person falling within sub-paragraph (2) to provide them with all such information as they consider necessary for the purpose of carrying out any of their functions in relation to postal services.
- (2) The persons within this sub-paragraph are—
 - (a) a person who is, or has been, a postal operator,
 - (b) a person who provides, or has provided, access points or other facilities for use in connection with a postal service, and
 - (c) a person not falling within paragraph (a) or (b) who appears to OFCOM to have information required by them for the purpose of carrying out any of their functions in relation to postal services.
- (3) The required information may, in particular, include information required for any one or more of the following purposes—
 - (a) ascertaining whether a contravention of a regulatory requirement (within the meaning of Schedule 7) has occurred or is occurring,
 - (b) ascertaining whether a provision of a regulatory condition which is for the time being in force continues to be effective for the purpose for which it was made,
 - (c) making a designation in accordance with regulations made under section 35,
 - (d) carrying out a review under section 35 or 44,
 - (e) ascertaining or verifying amounts payable by virtue of section 46,
 - (f) ascertaining or verifying charges payable under Schedule 4,
 - (g) identifying markets and carrying out market analyses or assessments in accordance with, or for the purposes of, any enactment relating to postal services, and
 - (h) statistical purposes connected with the carrying out of any of OFCOM's functions in relation to postal services.
- (4) A demand for information under this paragraph must be proportionate to the use to which the information is to be put in the carrying out of OFCOM's functions.

Status: This is the original version (as it was originally enacted).

Restrictions on imposing requirements in case of conditions of general application

- 2 (1) This paragraph limits the circumstances in which OFCOM may require the provision of information under paragraph 1 for the purpose of ascertaining whether there is, or has been, a contravention of a condition of general application.
- (2) OFCOM may require the provision of information for that purpose only if—
- (a) the requirement is imposed for the purpose of investigating a matter about which OFCOM have received a complaint,
 - (b) the requirement is imposed for the purposes of an investigation that OFCOM have decided to carry out into whether or not the condition in question has been complied with,
 - (c) the condition in question is one which OFCOM have reason to suspect is one that has been, or is being, contravened, or
 - (d) the condition in question falls within section 42(2)(b).
- (3) A “condition of general application” means a regulatory condition other than a designated USP condition, a USP access condition or a USP accounting condition.

Information required for related purposes

- 3 (1) OFCOM may require—
- (a) a postal operator, or
 - (b) a person who provides access points or other facilities for use in connection with a postal service,
- to provide OFCOM with all such information as they consider necessary to carry out comparative overviews of the quality and prices of postal services.
- (2) The overviews in question must be carried out—
- (a) with a view to publication, and
 - (b) in the interest of users of postal services.
- (3) OFCOM may also require—
- (a) a postal operator, or
 - (b) a person who provides access points or other facilities for use in connection with a postal service,
- to provide OFCOM, for use for such statistical purposes as they think fit, with information relating to the provision of postal services.
- (4) A demand for information under this paragraph must be proportionate to the use to which the information is to be put in the carrying out of OFCOM’s functions.

Manner in which information may be required

- 4 (1) A person required to provide information under paragraph 1 or 3 must provide it in such manner and within such reasonable period as may be specified by OFCOM.
- (2) OFCOM must require the provision of information under paragraph 1 or 3 by a demand which—
- (a) describes the required information, and
 - (b) sets out OFCOM’s reasons for requiring it.

Status: This is the original version (as it was originally enacted).

- (3) The reasons for requiring information for statistical purposes under paragraph 1 or 3 must set out the statistical purposes for which the information is required.
- (4) A demand for information under paragraph 1 or 3 must be contained in a notice served on the person from whom the information is required.
- (5) This is subject to an exception in the case of information required by OFCOM for the purpose of ascertaining who is liable to charges under Schedule 4.
- (6) In that case, the demand—
 - (a) may be made by being published in such manner as OFCOM consider appropriate for bringing it to the attention of the persons described in the demand as the persons from whom the information is required, and
 - (b) may take the form of a general demand for a person so described to provide information when specified conditions relevant to the person's liability to the charges are satisfied.