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**Changes to legislation:** There are currently no known outstanding effects for the Postal Services Act 2011,  
Cross Heading: Notification of contravention of information requirements. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 8 **U.K.**

#### INFORMATION PROVISIONS

#### **PART 2** **U.K.**

#### ENFORCEMENT

##### *Notification of contravention of information requirements*

- 5 (1) OFCOM may give a person a notification under this paragraph if they determine that there are reasonable grounds for believing that the person is contravening, or has contravened [<sup>F1</sup>—
- (a) a requirement imposed under paragraph 1 or 3, or
  - <sup>F2</sup>(b) .....]
- (2) A notification under this paragraph must—
- (a) set out the determination made by OFCOM, and
  - (b) specify the requirement and contravention in respect of which that determination has been made.
- (3) A notification under this paragraph must also specify the period during which the person notified has an opportunity—
- (a) to make representations about the matters notified, and
  - (b) to comply with notified requirements of which the person remains in contravention.
- (4) The specified period must be at least one month beginning with the day after the day the notification is given unless—
- (a) OFCOM and the person notified agree a shorter period, or
  - (b) OFCOM have reasonable grounds for believing that the contravention is a repeated contravention and, in those circumstances, consider a shorter period would be appropriate.
- (5) A contravention is a repeated contravention, in relation to a notification with respect to the contravention, if—
- (a) a previous notification has been given in respect of the same contravention or in respect of another contravention of the same requirement, and
  - (b) the subsequent notification is given no more than 12 months after the day on which OFCOM determine for the purposes of paragraph 7(2) that the contravention to which the previous notification related did occur.
- (6) OFCOM may (on one or more occasions) extend the specified period.

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**Textual Amendments**

- F1** Sch. 8 para. 5(1)(a)(b) substituted for words (23.11.2019) by [The Cross-border Parcel Delivery Services \(EU Information Requirements\) Regulations 2019 \(S.I. 2019/1429\)](#), regs. 1(1), **3(4)**
- F2** Sch. 8 para. 5(1)(b) omitted (31.12.2020) by virtue of [The Cross-border Parcel Delivery Services \(Amendment\) \(No.2\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1036\)](#), regs. 1(2), **4(4)**

**Commencement Information**

- I1** Sch. 8 para. 5 in force at 1.10.2011 by [S.I. 2011/2329](#), **art. 3**

- 6 (1) A notification under paragraph 5—
- (a) may be given in respect of more than one contravention, and
  - (b) if it is given in respect of a continuing contravention, may be given in respect of any period during which the contravention has continued.
- (2) If a notification under paragraph 5 has been given to a person in respect of a contravention of a requirement, OFCOM may give a further notification in respect of the same contravention of that requirement only if—
- (a) the contravention occurs after the earlier notification is given,
  - (b) the contravention is a continuing one and the subsequent notification is in respect of so much of a period as falls after a period to which the earlier notification relates, or
  - (c) the earlier notification has been withdrawn without a penalty having been imposed in respect of the notified contravention.

**Commencement Information**

- I2** Sch. 8 para. 6 in force at 1.10.2011 by [S.I. 2011/2329](#), **art. 3**

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